

# EXHIBIT 6





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WATCH

## 30 YEARS OF HUN SEN

Violence, Repression, and Corruption in Cambodia





## **30 Years of Hun Sen**

Violence, Repression, and Corruption in Cambodia

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## Map



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## Summary

I not only weaken the opposition, I'm going to make them dead ... and if anyone is strong enough to try to hold a demonstration, I will beat all those dogs and put them in a cage.

—Hun Sen, January 20, 2011, responding to the suggestion that he should be worried about the overthrow of a dictator in Tunisia at the time of the “Arab Spring.”

On January 14, 2015, Hun Sen will have served as prime minister of Cambodia for 30 years. He joins an exclusive club of men now in power who, through politically motivated violence, control of the security forces, manipulated elections, massive corruption, and the tacit support of foreign powers, have been able to remain in power well beyond the time any leader in a genuinely democratic political system has ever served. Hun Sen ranks as the sixth longest-serving political leader in the world today.

Hun Sen has proven to be an extremely durable politician. Now just 62-years-old, he was the world's youngest foreign minister at age 26 after Vietnam invaded Cambodia in 1979 and ejected the Khmer Rouge from power. When the then prime minister died in office, Vietnam appointed Hun Sen, who had proved himself intelligent, hard-working, ambitious, and willing to take orders from Hanoi.

Some viewed Hun Sen in a sympathetic light: a young leader who worked to put his devastated country back on its feet and stood up to great powers, including China and the United States, who backed the murderous Khmer Rouge as they fought a guerrilla war from their sanctuary in Thailand. Because the country was largely cut off from the outside world throughout the 1980s and little was known about its internal workings, when Cambodia signed the Paris Peace Agreements in 1991 many governments and journalists assumed that, because he led the peace negotiations, Hun Sen was a moderate in his political party, holding communist hard-liners at bay.

The reality has been very different. Instead of devoting his time as prime minister to equitably improving the health, education, and standard of living of the Cambodian people, Hun Sen has been linked to a wide range of serious human rights violations: extrajudicial



killings, torture, arbitrary arrests, summary trials, censorship, bans on assembly and association, and a national network of spies and informers intended to frighten and intimidate the public into submission.

Hun Sen's main tactic has been the threat and use of force. During his time in power, hundreds of opposition figures, journalists, trade union leaders, and others have been killed in politically motivated attacks. Although in many cases the killers are known, in not one case has there been a credible investigation and prosecution, let alone conviction. Worse, many have been promoted: the Ministry of Defense and Ministry of Interior websites listing senior military and police officials are a veritable Who's Who of human rights abusers.

This report describes the human rights record of Hun Sen since his time as a Khmer Rouge commander during the 1970s. It is based on materials in Khmer, English, Vietnamese, and Chinese. These include official and other Cambodian documents; interviews with Cambodian officials and other Cambodians by Human Rights Watch, other non-governmental organizations, journalists, and academics, and United Nations records, foreign government reports, and Cambodian court proceedings.

Hun Sen grew up in Kampong Cham province along the Mekong River north of the capital, Phnom Penh. Like many others, he joined the Khmer Rouge after the Cambodian military ousted Prince Norodom Sihanouk in 1970. The report describes his role as a Khmer Rouge commander in the 1970s in areas in which crimes against humanity were committed against the Muslim Cham population; documents his responsibility as prime minister for forced labor and systematic imprisonment of dissidents in the 1980s; his role in unleashing death squads during the United Nations peacekeeping operation in 1992-93; the March 1997 grenade attack involving his personal bodyguard unit on a rally led by the opposition leader, Sam Rainsy, in which 16 people died and more than 150 were injured; and his bloody coup of July 5-6, 1997 and its aftermath, in which more than 100 mostly royalist opposition party members were summarily executed. The report also illustrates the repression and corruption of the past decade during which political and social activists, trade union leaders, and journalists have been killed in connection with their opposition to policies and practices of Hun Sen's ruling Cambodian People's Party.

The report also explains how Hun Sen has obstructed justice for international crimes perpetrated in 1975-1979 by the Khmer Rouge, relying on his control of a Cambodian judiciary that also ensures continuing impunity for abuses in the present. Finally, it provides an overview of widespread land-grabbing affecting the urban and rural poor that has adversely affected hundreds of thousands of Cambodians and helped to enrich Hun Sen, other officials, and his cronies. A decade ago, in 2005, James Wolfensohn, then the World Bank president, said that Cambodia faced three major challenges: “corruption, corruption, corruption,” yet the problem remains rampant. Hun Sen is reported to be worth hundreds of million dollars, although he has worked only for the Cambodian government since 1979.

Hun Sen has repeatedly shown disdain for the 1993 Cambodian Constitution, which requires respect for basic rights, an independent judiciary, separation of powers, and executive accountability to the legislative branch. He has also ignored Cambodia’s obligations under international human rights conventions that Cambodia has ratified, including during his rule.

Perhaps most crucially for many Cambodians, Hun Sen has made it clear that he does not respect the concept of free and fair elections. When the Cambodian People’s Party lost UN-administered elections in 1993, he refused to accept the results, instead threatening violence through a fake secession movement. The UN backed down. Since then, the country has endured the trauma of manipulated and sometimes violent elections every five years in which there is no evidence that the vote will be free and fair or that an electoral defeat would result in Hun Sen leaving power. With a recent spate of politically motivated arrests and convictions, Cambodia is in the process of reverting to a one-party state.

Indicative of his many years in power, Hun Sen often gives lengthy, rambling speeches on national television and radio. Long ago he began comparing himself to great Cambodian historical figures, while adopting exalted titles. His current title is *Samdech Akka Moha Sena Padei Techo*, or “princely exalted supreme great commander of gloriously victorious troops.”

Hun Sen has often described politics as a struggle to the death between him and all those who dare to defy him. On June 18, 2005, he warned political opponents whom he accused of being “rebels” that “they should prepare coffins and say their wills to their wives.” This

occurred shortly after he declared that Cambodia's former king, Norodom Sihanouk, who abdicated to express his opposition to Hun Sen's method of governing, would be better off dead. In a speech on August 5, 2009, he mimicked the triggering of a gun while warning critics not to use the word "dictatorship" to describe his rule. Just after his Cambodian People's Party suffered major electoral setbacks in the National Assembly elections of July 28, 2013, despite systematic fraud and widespread election irregularities orchestrated by his government, he proclaimed that only "death or incapacitation to the point of being unable to work" could unseat him from the summit of power.

In recent decades, many Cambodian human rights defenders and civil society activists have risked their lives to help transform Cambodia into the rights-respecting democracy promised in the Paris Agreements and Cambodia's constitution.

For this to happen, foreign governments, donors and the UN, need to make much greater efforts to support Cambodians who struggle for free and fair elections, the rule of law, an end to corruption and land grabs, and respect for basic rights such as freedom of expression, association, and assembly. Specifically, Human Rights Watch urges donors and Cambodian officials to press for, and Cambodian officials to enact and implement major reforms so that neither Hun Sen nor any other leader in Cambodia can systematically violate human rights and democratic norms, including:

- Reforming the National Election Committee and all its subsidiary bodies to operate in an independent and impartial manner so that all future elections meet international standards as free and fair;
- Creating a professional and independent police service whose leadership is appointed by an independent police commission, which also has the power to audit the police, investigate complaints, and dismiss officers who violate a professional code of conduct;
- Creating a professional, impartial, and independent judiciary and prosecution service. Judges and prosecutors should be appointed by an independent judicial commission, which also has the power to investigate complaints and discipline judges and prosecutors who violate a professional code of conduct;



- Banning senior military officers, police officials, judges, and prosecutors from holding official or unofficial positions of leadership in political parties; and
- Ensuring that authorities respond in a professional and impartial manner to allegations of human rights abuses made by victims and their families, human rights and other civil society organizations, the UN human rights office and other UN agencies, the media, and others who bring concerns to the government's attention.

## I. Background: Hun Sen's Early Years

Hun Sen was born on August 5, 1952, in Peam Koh Sna village in Kampong Cham province, along the north bank of the Mekong River in central Cambodia.<sup>1</sup> His official birth name was Hun Bunnal, or Nal for short.<sup>2</sup> He was the third of seven children, one of whom died before Hun Sen was born, while two older brothers and three younger sisters remain alive (Hun San and Hun Neng; and Hun Sengny, Hun Sinat and Hun Thoeun, respectively).<sup>3</sup>

Hun Sen's grandparents were originally well-to-do, owning 15 hectares of land abutting the Mekong River. However, over the years the Hun family was increasingly impoverished as a result of soil erosion.<sup>4</sup> By 1945, the Kingdom of Cambodia was under Japanese World War II occupation, Hun Sen's father, Hun Neang, was a monk at Wat Ounalom in Phnom Penh. After the Japanese surrender, he joined the Khmer Issarak movement, which opposed France's attempted reimposition of colonial domination over the country and led to nine years of war.<sup>5</sup> Hun Sen's grandmother was shortly thereafter kidnapped by a rival Khmer Issarak group, compelling the family to pay a ransom, which required selling off land and contributed to the family's impoverization. The incident turned Hun Neang against the Khmer Issarak, which he quit, instead joining the French-sponsored local militia and participating in anti-insurgent operations. In 1953, after Cambodia became partly independent from France, Hun Neang became chief of this militia for Peam Koh Sna village.<sup>6</sup>

Hun Neang later worked as a propagandist for a politician who was elected to the National Assembly in 1966. All members of the National Assembly at that time were members of head of state Prince Norodom Sihanouk's Sangkum Reastr Niyum political organization.<sup>7</sup>

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<sup>1</sup> Xing Heping, *Hong Sen Shidai* (The Era of Hun Sen) (Phnom Penh: Lucky Star, 2008), p.7; Harish C. and Julia B. Mehta, *Strongman: The Extraordinary Life of Hun Sen* (Singapore: Cavendish, 2013), p.61; Jim Gerrand interview with Hun Sen, Phnom Penh, undated (transcribed from tape).

<sup>2</sup> Xing, *Hong Sen*, p.8; Mehta and Mehta, *Strongman*, pp.61-62.

<sup>3</sup> Xing, *Hong Sen*, p.7; Mehta and Mehta, *Strongman*, p.62.

<sup>4</sup> Xing, *Hong Sen*, p.8; Mehta and Mehta, *Strongman*, pp.63, 68.

<sup>5</sup> Xing, *Hong Sen*, p.9; Mehta and Mehta, *Strongman*, p.62; Gerrand interview with Hun Sen.

<sup>6</sup> Xing, *Hong Sen*, p.9; Mehta and Mehta, *Strongman*, p.63; Gerrand interview with Hun Sen.

<sup>7</sup> Mehta and Mehta, *Strongman*. p.69.

Hun Sen went to primary school locally. However, as there was no middle school in his village, in 1964 or 1965 his parents sent the then 12 or 13-year-old Hun Sen to study in Phnom Penh, where he lived at Wat Neakavoan pagoda through 1969.<sup>8</sup> During this period, he changed his name to Hun Ritthi Sen.<sup>9</sup> In Phnom Penh, he had relatives in the elite, including in the armed forces and in senior positions in the government security services.<sup>10</sup> However, Hun Sen was also influenced by the writings of the secretly communist teacher Tiv Ol.<sup>11</sup>

According to Hun Sen, he was shocked by Prince Sihanouk's much publicized execution of alleged traitors.<sup>12</sup> In 1969, anti-Sihanouk activists emerged at Hun Sen's Wat Neakavoan residence, and one of them, a Hun Sen cousin, was arrested. Fearing he might also be detained, Hun Sen gave up his studies a year before graduation, leaving the pagoda in 1969.<sup>13</sup> By this time, his father had moved to then Kampong Cham province's Me Mut district, which bordered on Vietnam and where Hun Neang was farming hectares of orchards at Chamkar Thmei in Me Mong commune.<sup>14</sup>

Hun Sen grew up politically and militarily in the situation that emerged in the Me Mut area in 1969-1971. During this period, Vietnam was engulfed in a war between, Vietnamese communists who had established a Democratic Republic in the north of the country in 1945 and were fighting their communist insurgents in the south of the country against the anti-communist Republic of Vietnam there, which was backed by a large-scale US military intervention. Vietnamese communist units fled US bombing into sanctuaries across the border in Cambodia.

Meanwhile, in Cambodia a Communist Party organization led by Pol Pot and Nuon Chea had been attempting an armed insurrection since 1968, but it had been largely repelled by a counter-insurgency led by the kingdom's senior military officer, Gen. Lon Nol.

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<sup>8</sup> Xing, *Hong Sen*, p.9; Mehta and Mehta, *Strongman*, pp.63, 67, 70; Gerrand interview with Hun Sen.

<sup>9</sup> Xing, *Hong Sen*, p.8.

<sup>10</sup> Gerrand interview with Hun Sen.

<sup>11</sup> Mehta and Mehta, *Strongman*, p.64.

<sup>12</sup> Gerrand interview with Hun Sen.

<sup>13</sup> Xing, *Hong Sen*, p.11; Mehta and Mehta, *Strongman*, pp.63,70; Gerrand interview with Hun Sen.

<sup>14</sup> Gerrand interview with Hun Sen.



Vietnamese communist military units and political offices had increasingly been taking refuge in Me Mut since late 1966.<sup>15</sup> By 1967, they had established sanctuary facilities with ready access to the district seat.<sup>16</sup> In Kampong Cham and elsewhere in Cambodia, these sanctuaries expanded and were used as staging, training, rest, and redistribution points, as well as providing logistic and other rear services for communist main force units operating in southern Vietnam. Vietnamese communist cadre in Me Mut developed especially close relations with local Cambodian authorities and traders, from whom they purchased large amounts of supplies.<sup>17</sup> These logistical and other necessities coming from or via Me Mut, via other places in Kampong Cham, and via Snuol district of Kratie province, provisioned many Vietnamese Communist forces fighting inside south Vietnam.<sup>18</sup>

Unpublicized US airstrikes that violated US law, and other covert operations conducted by US armed forces and the Army of the Republic of Vietnam (ARVN) in Cambodia, inflicted casualties on Cambodians in the area. In early 1970, while near the bridge crossing the Prek Chriv on national Route 7 in Snuol district of Kratie province, north of Me Mut, Hun Sen witnessed Cambodian civilian casualties from US and Republic of Vietnam air attacks, which he says provoked anti-American feelings in him.<sup>19</sup>

### The Changed Military Situation after Sihanouk Was Deposed in March 1970

The military situation was transformed when Sihanouk was deposed from his position as chief of state by a vote of the National Assembly on March 18, 1970, while on a trip abroad. Gen. Lon Nol became the pre-eminent national leader of the Cambodian government based in Phnom Penh, vowing to drive the Vietnamese communists out of Cambodia and establishing a Khmer Republic, of which he became president. Remnants of Pol Pot and Nuon Chea's communist movement, known as the Khmer Rouge (officially led from 1971 by what it called the Communist Party of Kampuchea – CPK), emerged to launch a renewed insurgency, backed by the Vietnamese communists.<sup>20</sup>

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<sup>15</sup> Texas Tech University Vietnam Archives Document (TTUVNAD), "Viet Cong Movement of 10 American Prisoners in Mimot Area in Cambodia," December 26, 1966.

<sup>16</sup> TTUVNAD, "US Newsmen Find VC Camp Inside Cambodian 'Sanctuary'," *Associated Press*, November 20, 1967.

<sup>17</sup> TTUVNAD, "Bribery of Cambodian Authorities by Rice Purchasing Elements of Rear Service Group 82, Rear Service Staff Department, HQ, SVNLA," May 17, 1970.

<sup>18</sup> Tran Dinh Tho, *The Cambodian Incursion* (Washington, DC: U.S. Army Center of Military History, 1979), pp.25-26,142.

<sup>19</sup> Gerrand interview with Hun Sen.

<sup>20</sup> Academic's interview with Uk Bunchhoeun, former Deputy Secretary of Sector 21, Phnom Penh, undated.

In early April 1970, Vietnamese Communist units in Cambodia launched a general offensive against Lon Nol's army, the Khmer National Armed Forces (FANK). In particular, Vietnamese Division 7 was assigned to consolidate and expand control over large parts of Kampong Cham and Kratie provinces, including Me Mut and Snuol, while mobilizing Cambodians to fight alongside it in units under mixed Vietnamese-Cambodian command.<sup>21</sup>

By April 23, Vietnamese Communist forces had occupied the district town of Me Mut<sup>22</sup> and laid siege to a FANK troop concentration in the district, which surrendered on April 28.<sup>23</sup> They also took the district seats of Krek in Kampong Cham and of Snuol and Chhlaung in Kratie province, while establishing control over stretches of Route 7 west of Krek heading towards the Mekong River and the eponymous Kampong Cham provincial capital on the river's west bank.<sup>24</sup>

On May 1, 1970, US and supporting ARVN forces launched a large-scale coordinated cross-border attack into this part of Cambodia, which the US military called "the Fishhook" and included part of Sector 21 of the CPK East Zone.<sup>25</sup> In addition to Me Mut and Chhlaung districts in Kampong Cham and Kratie provinces, Sector 21 comprised Tramoung, Toek Chrov, Dambe, Krauch Chhmar, Tbaung Khmum, Peam Chileang, and Tonle Bet districts, all in Kampong Cham, south and east of the Mekong River.<sup>26</sup> The other sectors of the East Zone were designated 20, 22, 23, and 24. Veteran Communist Sao Pheum was the secretary of the East Zone CPK Committee above Sector 21 and the other sectors. Parts of Kampong Cham north and west of the Mekong, including Hun Sen's home village of Peam Koh Sna in Steung Trang district, were in the separate CPK North Zone.<sup>27</sup>

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<sup>21</sup> Trần Xuân Ban, ed., *Lịch sử Sư đoàn bộ binh 7 – 1966-2006* (History of the 7th Infantry Division - 1966-2006), <http://www.quansuvn.net/index.php?topic=4304.0> (accessed January 10, 2015).

<sup>22</sup> TTUVNAD, "VC/NVA Daily Intelligence Summary on Cambodia and III and IV CTZ Areas (U)," April 24, 1970.

<sup>23</sup> TTUVNAD, "PAVN Binh-Van Among Khmer Troops, January 1971." Full cites.

<sup>24</sup> TTUVNAD, HQ PACAF, Directorate, Tactical Evaluation, CHECO Division, "The Cambodian Campaign, April 29-June 30, 1970," pp.2-5; "Assessment of Military Situation in Mimot, Kampong Cham Province, Cambodia," May 5, 1970; "Activities of 141<sup>st</sup> Regiment, 7<sup>th</sup> NVA Division, Headquarters, SVNLA, in Kampong Cham Province, Cambodia," June 4, 1970; Tran, *Cambodian Incursion*, pp.30, 153.

<sup>25</sup> TTUVNAD, HQ PACAF, Directorate, Tactical Evaluation, CHECO Division, "The Cambodian Campaign, April 29-June 30, 1970," pp.8-9; Tran, *Cambodian Incursion*, pp.42-43, 69-78.

<sup>26</sup> Phnom Penh Domestic Radio Service, December 28, 1975, US Foreign Broadcasts Information Service Daily Report Asia-Pacific (FBISDRAP), December 31, 1975.

<sup>27</sup> Extraordinary Chambers in the Courts of Cambodia (ECCC), Trial Chamber, "Case 002/01 Judgment" (E313), August 7, 2014, pp.119-120, 123.

The Fishhook campaign lasted two months and involved 12,500 US and 3,700 Vietnamese troops.<sup>28</sup> Massive artillery and airstrikes, including by B52 heavy bombers, paved the way for and accompanied their ground assaults throughout.<sup>29</sup> In the initial phase of the operation, US units chased Vietnamese forces northeast along Route 7 towards Snuol, which the US-ARVN forces reached and seized in heavy fighting on May 5.<sup>30</sup>

Vietnamese Communist troops had meanwhile already penetrated towards the heart of Cambodia, advancing directly on the Mekong River. They temporarily seized the ferry port town of Tonle Bet on its east bank, opposite Kampong Cham town on the west side of the river. Although their assaults also reached Kampong Cham's downtown area, they were unable to occupy it, though they held Tonle Bet from May 12-15, 1970.<sup>31</sup> They remained in nearby positions on the east bank of the Mekong after withdrawing. They also approached the Mekong from the south in Krauch Chhmar district of Kampong Cham.<sup>32</sup>

ARVN and Vietnamese communist forces fought each other in several battles lasting through late 1970 along Route 7 between Krek and Tonle Bet and on the other side of the Mekong at the western approaches to Kampong Cham town. This facilitated the reoccupation of some locations, such as Krek, by FANK.<sup>33</sup> Renewed ARVN operations north of Route 7 precipitated heavy fighting during the first part of 1971, notably in Dambe district.<sup>34</sup> However, the withdrawal of ARVN units from eastern Kampong Cham in late 1971 prompted FANK units to abandon all positions there in early 1972, leaving this part of Cambodia entirely under communist (Cambodian and Vietnamese) control.<sup>35</sup>

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<sup>28</sup> TTUVNAD, HQ PACAF, Directorate, Tactical Evaluation, CHECO Division, "The Cambodian Campaign, April 29-June 30, 1970," pp.8-9; Tran, *Cambodian Incursion*, pp.42-43, 69-78.

<sup>29</sup> TTUVNAD, HQ PACAF, Directorate, Tactical Evaluation, CHECO Division, "The Cambodian Campaign, April 29-June 30, 1970," pp.15-18; "II FFORCEV Commander's Evaluation Report - Cambodian Operations (U)," July 31, 1970.

<sup>30</sup> TTUVNAD, HQ PACAF, Directorate, Tactical Evaluation, CHECO Division, "The Cambodian Campaign, April 29-June 30 1970," pp.19-20; "II FFORCEV Commander's Evaluation Report - Cambodian Operations (U)," July 31, 1970.

<sup>31</sup> Vũ Doãn Thành, et al., *Lịch Sử Đoàn Đặc Công 429 1969-2009* (History of the 429<sup>th</sup> Sapper Group 1969-2009), <http://www.quansuvn.net/index.php?topic=7488.20> (accessed January, 10, 2015); TTUVNAD, HQ PACAF, Directorate, Tactical Evaluation, CHECO Division, "The Cambodian Campaign, 29 April-30 June 1970," p.35.

<sup>32</sup> Cambodia, Ministry of Information, *Documents on Viet Cong and North Vietnamese Aggression Against Cambodia (1970)* (Phnom Penh: 1970), pp.48,65.

<sup>33</sup> Tran, *Cambodian Incursion*, pp.65-69, 132-133.

<sup>34</sup> TTUVNAD, Central Intelligence Agency, *Central Intelligence Bulletin*, March 4, 1971, p.1.

<sup>35</sup> TTUVNAD, Sak Sutsakhon, *The Khmer Republic at War and the Final Collapse*, pp.99-100.



Amidst the devastating fighting, Cambodia's political situation was also profoundly transformed. Immediately after Sihanouk was removed from power in March 1970, pro-Sihanouk demonstrations occurred in Snuol district and in rubber plantations in Me Mut.<sup>36</sup> On March 23, 1970, Sihanouk broadcast a radio appeal from exile, calling on Cambodians to launch an insurrectionary armed movement against the new government in Phnom Penh. Cambodians favoring Sihanouk's reinstatement contacted Vietnamese Communist forces in the area, which encouraged and supported them.<sup>37</sup> These included Cambodian youths in Me Mut who fled into these units' areas of operation, pursued by FANK contingents intent on conscripting them and on suppressing demonstrations in the area in late March.<sup>38</sup>

Fledgling Cambodian "resistance" forces, mostly if sometimes covertly led by the Khmer Rouge, allied with the Vietnamese participated in the spreading combat with US, ARVN, and FANK troops in Kampong Cham and Kratie provinces.<sup>39</sup> Vietnamese Communist policy was to motivate, organize, and arm such Cambodian units and lead them under "combined command committees."<sup>40</sup> Many of those who went into the East Zone jungle heeding Sihanouk's call could not find any "Khmer Rouge," but were instead picked up and organized by Vietnamese forces who formed them into companies and even battalions of troops.<sup>41</sup>

In some places, Cambodian Communist party members also emerged openly and began their own organizing.<sup>42</sup> This included in Me Mut, where cadre dispatched by East Zone Sector 21 were recruiting and training military forces as early as April-May 1970.<sup>43</sup> In September 1970, a Pol Pot-led Cambodian Communist leadership conference decided to

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<sup>36</sup> TTUVNAD, HQ PACAF, Directorate, Tactical Evaluation, CHECO Division, "The Cambodian Campaign, April 29-June 30 1970," pp.2-5; "Directives Outlining Specific Points in Establishing Relations Between Cambodian Officers and VC/NVA," March 27, 1970; "Activities of 141<sup>st</sup> Regiment, 7<sup>th</sup> NVA Division, Headquarters, SVNLA, in Kampong Cham Province, Cambodia," June 4, 1970.

<sup>37</sup> TTUVNAD, "Directives Outlining Specific Points in Establishing Relations Between Cambodian Officers and VC/NVA," March 27, 1970.

<sup>38</sup> TTUVNAD, "PAVN Directive on Operations in Cambodia – April 1970"; "Activities of Inter-Unit 87 in Mimot District, Kampong Cham Province, Cambodia," Kampong Cham, May 5, 1970; Tran, *Cambodian Incursion*, pp.30, 152-53.

<sup>39</sup> Hanoi Domestic Radio Service, July 3, 1970, FBISDRAP, July 7, 1970.

<sup>40</sup> TTUVNAD, "Critique on the Failure of the 5<sup>th</sup> VC Division in Sub-Regions 1, 4, and 5 in the First Phase of Campaign X," May 28, 1970, Kampong Cham; "Activities of 141<sup>st</sup> Regiment, 7<sup>th</sup> NVA Division, Headquarters, SVNLA, in Kampong Cham Province, Cambodia," June 4, 1970; "Attacks Conducted by VC/NVA Troops in Cambodia," May 18, 1970, Cambodia.

<sup>41</sup> Academic's interview with Ung Phan, former CPK East Zone cadre, Phnom Penh, February 16, 2001.

<sup>42</sup> TTUVNAD, "Documents in Cambodia originated by officials of 'the United Kampuchea Front,' April 19 to May 1, 1970."

<sup>43</sup> Academic's interview with Uk Bunchhoeun

begin limiting the Vietnamese Communist role in Cambodia.<sup>44</sup> Thereafter, Cambodian Communist organizations and military units were increasingly autonomous.<sup>45</sup> However, Vietnamese Communist units continued at least through 1972 to assist and train their Cambodian counterparts throughout the East Zone, including Sector 21.<sup>46</sup>

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<sup>44</sup> Huỳnh Anh Dũng, *Ghi chép về Campuchia 1975-1991* (*Notes on Cambodia 1975-1991*, self-published), Vietnam, 1995, <http://www.diendan.org/tai-lieu/ghi-chep-ve-campuchia-1975-1991> (accessed January 10, 2015).

<sup>45</sup> TTUVNAD, "Activity Plan of the Medical Section, Rear Service Staff, VC/NVA Military Region C.20, Cambodia (U)," February 8, 1971.

<sup>46</sup> TTUVNAD, "MR-C50," May 7, 1974.

## II. Hun Sen in the Khmer Rouge

There has been immense speculation over many years about what Hun Sen may have done while a member of the Khmer Rouge. Hun Sen says that when Sihanouk was deposed on March 18, 1970, he was in the village of Kdol in Tonloun commune of Me Mut. Hearing of the Prince's loss of position as chief of state, Hun Sen briefly returned to Peam Koh Sna.<sup>47</sup> However, he quickly returned to Me Mut.<sup>48</sup> In Kdol, he heard Sihanouk's March 23, 1970 radio broadcast from exile urging people to join an armed insurgency against those who had overthrown him. Encouraged by his father Hun Neang, Hun Sen was one of several among a group of young men, mostly of upper social strata background, who after discussions decided to heed the appeal.<sup>49</sup>

Hun Sen says he made this decision on April 4, 1970,<sup>50</sup> left Kdol on April 14<sup>51</sup> and joined the insurgency on April 19, 1970, doing so solely in response to Sihanouk's call. He claims that he was unaware of "Pol Pot's" leadership of the insurgency.<sup>52</sup> At this point, he used a new name, Hun Samrech. Though only 18, he was relatively well-educated compared to other would-be guerrillas. Because of literacy instruction he provided to others in the forest, he was called "teacher."<sup>53</sup> His group comprised of 300-500 people,<sup>54</sup> whom the Vietnamese recruited as combatants,<sup>55</sup> giving them their initial military

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<sup>47</sup> "Select Address to the Groundbreaking Ceremony to Rehabilitate the National Route 7 – the Part Between Memot of Kompong Cham Province and Snuol of Kratie Province," *Cambodia New Vision* (June 2002: Issue 53), June 24, 2002.

<sup>48</sup> Xing, *Hong Sen*, p.11.

<sup>49</sup> Gerrand interview with Hun Sen; Hun Sen, "Select Address to the Groundbreaking Ceremony to Rehabilitate the National Route 7 – the Part Between Memot of Kompong Cham Province and Snuol of Kratie Province," *Cambodia New Vision* (June 2002: Issue 53), June 24, 2002; Hun Sen, "Selected Comments at the Gathering at Memot District of Kompong Cham Province for the 32<sup>nd</sup> Anniversary Celebration of the January 7 Victory Day," January 5, 2011 (document in Human Rights Watch possession).

<sup>50</sup> Gerrand interview with Hun Sen; Hun Sen, "Selected Comments at the Inauguration of the Bun Rany-Hun Sen Memot Junior High School in the District of Memot, Kompong Cham Province," January 5, 2007 (document in Human Rights Watch possession).

<sup>51</sup> Hun Sen, "Select Address to the Groundbreaking Ceremony to Rehabilitate the National Route 7 – the Part Between Memot of Kompong Cham Province and Snuol of Kratie Province," *Cambodia New Vision* (June 2002: Issue 53), June 24, 2002.

<sup>52</sup> Xing, *Hong Sen*, p.12; Mehta and Mehta, *Strongman*, p.73.

<sup>53</sup> Xing, *Hong Sen*, p.9; Mehta and Mehta, *Strongman*, pp.73-74.

<sup>54</sup> Xing, *Hong Sen*, p.9; Mehta and Mehta, *Strongman*, pp.91-92; Hun Sen, "Select Address to the Groundbreaking Ceremony to Rehabilitate the National Route 7 – the Part Between Memot of Kompong Cham Province and Snuol of Kratie Province," *Cambodia New Vision* (June 2002: Issue 53), June 24, 2002.

<sup>55</sup> NGO interview with Me Mut resident, May 10, 2005.



training.<sup>56</sup> After two weeks of instruction, on April 30, 1970, Hun Sen was appointed as platoon leader, with 48 men under his control. He says he went into battle against the Americans the next day, heading up Route 7 to the Snuol district battlefield in Kratie province, where his men were bloodily mauled by the US army. With only 16 troops remaining, Hun Sen was reduced to being a squad commander.<sup>57</sup>

However, after his forces were integrated into another unit, he again became a platoon commander,<sup>58</sup> still operating in parts of Snuol district, where Cambodian guerrillas were bit players in large-scale fighting.<sup>59</sup> In August 1970, he came back down Route 7 into the Me Mut area, fighting ARVN forces at S'am<sup>60</sup> in Chan Moul commune.

Hun Sen henceforth became a combatant of East Zone Sector 21,<sup>61</sup> according to the CPK system of military organization in which each level of the party's administration controlled its own armed force and answered to the CPK committee at that level.<sup>62</sup> In 1971, he was sent for a year's special forces training at a school in Trapeang Pring commune of Sector 21's Dambe district.<sup>63</sup> He also became a member of the CPK Youth League in 1971.<sup>64</sup>

From this point on, Hun Sen moved rapidly up the ranks through a series of military promotions.<sup>65</sup> This put him well inside the CPK political and military authority structures. As documents of the Extraordinary Chambers in the Courts of Cambodia (ECCC – the UN-assisted Khmer Rouge tribunal) explain it, this system comprised a “ubiquity” of multi-level and

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<sup>56</sup> Human Rights Watch Interview, Kampong Cham, November 1, 2005.

<sup>57</sup> Xing, *Hong Sen*, p.13; Mehta and Mehta, *Strongman*, pp.91-92; Gerrand interview with Hun Sen; Hun Sen, “Select Address to the Groundbreaking Ceremony to Rehabilitate the National Route 7 – the Part Between Memot of Kompong Cham Province and Snuol of Kratie Province,” *Cambodia New Vision* (June 2002: Issue 53), June 24, 2002.

<sup>58</sup> Xing, *Hong Sen*, p.13; Mehta and Mehta, *Strongman*, pp.91-92; Gerrand interview with Hun Sen.

<sup>59</sup> Gerrand interview with Hun Sen.

<sup>60</sup> “A Buddhist Temple in Kompong Cham's Jiro,” *Cambodia New Vision* (Issue 182/April 2013); Hun Sen, “Select Address to the Groundbreaking Ceremony to Rehabilitate the National Route 7 – the Part Between Memot of Kompong Cham Province and Snuol of Kratie Province,” *Cambodia New Vision* (June 2002: Issue 53), June 24, 2002; Hun Sen, “Selected Impromptu Comments during the Groundbreaking Ceremony to Build a Buddhist temple at the Pagoda of Kompong Russei, Jiro Commune, Tbong Khmum District of Kaompong Cham Province,” April 1, 2013, <http://cnv.org.kh/?p=3569> (accessed January 10, 2015).

<sup>61</sup> Human Rights Watch interview, Kampong Cham, October 30, 2005.

<sup>62</sup> ECCC, Trial Chamber, “Case 002/01 Judgment” (E313), August 7, 2014, p.135.

<sup>63</sup> Xing, *Hong Sen*, p.13; Mehta and Mehta, *Strongman*, pp.91-92; Gerrand interview with Hun Sen; “A Buddhist Temple in Kompong Cham's Jiro,” *Cambodia New Vision* (Issue 182/April 2013).

<sup>64</sup> Clayton Jones, “The Making of a People's Prime Minister,” *Christian Science Monitor*, July 11-17, 1988.

<sup>65</sup> Academic's interview with Ung Phan.

interlocking committees in a hierarchy<sup>66</sup> functioning on the basis of the principle that “only the Party leads the army; no other organ or individual leads it.”<sup>67</sup> This ensured that all armed forces were “under the absolute leadership monopoly” of the CPK.<sup>68</sup>

CPK committees at the zone, sector and other levels and within CPK-controlled units, such as the army, typically comprised a secretary (or chairman), a deputy secretary (or vice-chairman) and one or more additional members, together forming a collective authority structure. The party secretary at each committee level was also generally a member of the committee of the next higher echelon in the hierarchy, so that a CPK cadre often exercised authority at two levels concurrently.<sup>69</sup>

### The Mekong River Front, 1972-1975

About 1972, Hun Sen was appointed as company commander, in charge of some 130 special forces personnel who were part of a Sector 21 unit.<sup>70</sup> This was designated Battalion 55 and comprised a total of three military companies.<sup>71</sup> In late 1972, Hun Sen underwent further military training<sup>72</sup> and changed his name from Hun Samrech back to Hun Sen.<sup>73</sup> By 1973, he was a member of the battalion command committee troika.<sup>74</sup> His area of operations was defined as the east bank of the Mekong.<sup>75</sup> Rising river waters from the mid-1973 monsoons resulted in the relocation of the bivouac of Hun Sen’s troops away from the Mekong. However, they continued to return by taking boats down tributaries to the frontline of military hostilities with FANK on the river bank, where Hun Sen spent most of his time. This battlefield was increasingly focused on the Roka Thom and Prek Touch area of Chiro Ti Muoy commune, opposite the northern part of Kampong

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<sup>66</sup> ECCC, Trial Chamber, “Case 002/01 Judgment” (E313), August 7, 2014, p.126.

<sup>67</sup> ECCC, “Co-Prosecutors’ Second Introductory Submission Regarding the Revolutionary Army of Kampuchea,” November 20, 2008, p.8.

<sup>68</sup> *Ibid.*, p.6.

<sup>69</sup> ECCC, Trial Chamber, “Case 002/01 Judgment” (E313), August 7, 2014, pp.119-123.

<sup>70</sup> Xing, *Hong Sen*, p.13; Mehta and Mehta, *Strongman*, pp.91-92; Gerrard interview with Hun Sen; “A Buddhist Temple in Kompong Cham’s Jiro,” *Cambodia New Vision* (Issue 182/April 2013).

<sup>71</sup> Human Rights Watch interview, Kampong Cham, November 1, 2005.

<sup>72</sup> Xing, *Hong Sen*, p.13; Mehta and Mehta, *Strongman*, pp.91-92; Gerrard interview with Hun Sen.

<sup>73</sup> Heping, *Hong Sen*, p.8; Mehta and Mehta, *Strongman*, pp.62,73.

<sup>74</sup> Jones, “People’s Prime Minister.”; journalist’s interview with local resident, Tbaung Khmum, December 14, 2014.

<sup>75</sup> NGO interview with Me Mut resident, May 10, 2005.

Cham town,<sup>76</sup> putting Hun Sen's East Zone Sector 21 forces in the thick of a major battle for control of it in 1973 and 1975.

In May-June 1973, CPK North and East Zone forces, operating under separate but coordinated commands on the west and east sides of the Mekong, respectively, began probing attacks in preparation for an attempt to seize Kampong Cham town from the Khmer Republic.<sup>77</sup> By July, a major push by North Zone forces from the west was becoming a serious threat to the town as FANK abandoned its positions on the approaches to it.<sup>78</sup> By August, it was effectively under Khmer Rouge siege.<sup>79</sup> The attack took advantage of the end of US bombing of Cambodia, which ceased on August 15, 1973 as the result of US congressional action.<sup>80</sup>

According to journalists and diplomatic personnel quoted in 1973 US Embassy Phnom Penh cables, on August 31, 1973, a mortar and other heavy weapons attack was launched on Kampong Cham town from the east side of the river, killing or wounding more than 100 residents<sup>81</sup> as forces from all over the North Zone massed for a ground assault from the west.<sup>82</sup> This commenced on a large-scale the next day and quickly drove Khmer Republic forces on that side of the town into retreat,<sup>83</sup> as Khmer Rouge shelling from both the west and the east continued along with street fighting.<sup>84</sup> Some civilians tried desperately to

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<sup>76</sup> Hun Sen, "A Buddhist Temple in Kompong Cham's Jiro," *Cambodia New Vision* (Issue 182/April 2013); Hun Sen, "Selected Impromptu Comments during the Groundbreaking Ceremony to Build a Buddhist temple at the Pagoda of Kompong Russei, Jiro Commune, Tbong Khmum District of Kaompong Cham Province," April 1, 2013, <http://cnv.org.kh/?p=3569> (accessed January 10, 2015).

<sup>77</sup> Wikileaks US cable, KHMER REPORT - MAY 22, 1973, [http://www.wikileaks.org/plusd/cables/1973PHNOMo4975\\_b.html](http://www.wikileaks.org/plusd/cables/1973PHNOMo4975_b.html) (accessed January 10, 2015); Wikileaks US cable, KHMER REPORT - JUNE 26, 1973, [http://www.wikileaks.org/plusd/cables/1973PHNOMo6380\\_b.html](http://www.wikileaks.org/plusd/cables/1973PHNOMo6380_b.html) (accessed January 10, 2015).

<sup>78</sup> Wikileaks US cable, KHMER REPORT - JULY 10, 1973, [http://www.wikileaks.org/plusd/cables/1973PHNOMo6922\\_b.html](http://www.wikileaks.org/plusd/cables/1973PHNOMo6922_b.html) (accessed January 10, 2015).

<sup>79</sup> Wikileaks US cable, August 13 Press Summary, [http://www.wikileaks.org/plusd/cables/1973STATE160037\\_b.html](http://www.wikileaks.org/plusd/cables/1973STATE160037_b.html) (accessed January 10, 2015); Wikileaks US cable, KHMER REPORT - August 20 Press Summary, [http://www.wikileaks.org/plusd/cables/1973STATE165109\\_b.html](http://www.wikileaks.org/plusd/cables/1973STATE165109_b.html) (accessed January 10, 2015).

<sup>80</sup> TTUVNAD, Sak Sutsakhan, *Khmer Republic at War*, pp.122-23.

<sup>81</sup> Wikileaks US cable, August 31 Press Summary, [http://www.wikileaks.org/plusd/cables/1973STATE174365\\_b.html](http://www.wikileaks.org/plusd/cables/1973STATE174365_b.html) (accessed January 10, 2015).

<sup>82</sup> Wikileaks US cable, COMUSSAG REVIEWS CAMBODIAN MILITARY SITUATION WITH THE HIGH POLITICAL COUNCIL, [http://www.wikileaks.org/plusd/cables/1973PHNOMo9305\\_b.html](http://www.wikileaks.org/plusd/cables/1973PHNOMo9305_b.html) (accessed January 10, 2015).

<sup>83</sup> Wikileaks US cable, KHMER REPORT - SEPTEMBER 4, 1973, [www.wikileaks.org/plusd/cables/1973PHNOMo9312.html](http://www.wikileaks.org/plusd/cables/1973PHNOMo9312.html) (accessed January 10, 2015).

<sup>84</sup> Journalist's interview with FANK Navy officer Um Bunroeun, Phnom Penh, October 3, 1973; Journalist's interview with Japanese military attache, Phnom Penh, October 20, 1973.



flee<sup>85</sup> to the Khmer Republic enclave of Tonle Bet on the east side of the Mekong, only to have their boats struck by fire from the east that sank them in the river.<sup>86</sup> Ongoing shelling of the town's riverfront often hit houses with residents seeking safety inside, eventually inflicting several thousand civilian casualties.<sup>87</sup> This reporting was corroborated by people resident in Chiro Ti Muoy and Kampong Cham town at the time of the Khmer Rouge assault. According to the residents, Battalion 55 fired mortar shells on the urban area,<sup>88</sup> while townspeople described incoming mortar from the east and recall boats carrying people attempting to flee being hit by recoilless rifle fire, also from the east.<sup>89</sup>

After 10 days, Khmer Republic forces managed to blunt the Khmer Rouge attack in part as the result of FANK riparian navy force fire on enemy positions on the Mekong east bank.<sup>90</sup> By September 13, government forces had recaptured most of the town.<sup>91</sup> However, according to a US Embassy summary of the battle, shelling and street fighting had by this time destroyed at least 25 percent of the town and damaged much of the rest.<sup>92</sup> North Zone forces forcibly relocated some 30,000-40,000 townspeople, mostly westward, into areas under solid CPK control, although some were sent across the Mekong to the east.<sup>93</sup>

In 1974, Hun Sen's battalion became part of the three-battalion Sector 21 Regiment, including Battalion 55 and Battalion 75.<sup>94</sup> In this structure, according to Hun Sen, he was a

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<sup>85</sup> Wikileaks US cables, Sept 5 Press Summary, [http://www.wikileaks.org/plusd/cables/1973STATE176433\\_b.html](http://www.wikileaks.org/plusd/cables/1973STATE176433_b.html) (accessed January 10, 2015); Wikileaks US cables Sept 6 Press Summary, [http://www.wikileaks.org/plusd/cables/1973STATE177282\\_b.html](http://www.wikileaks.org/plusd/cables/1973STATE177282_b.html) (accessed January 10, 2015); Wikileaks US cables Sept 7 Press Summary, [http://www.wikileaks.org/plusd/cables/1973STATE178615\\_b.html](http://www.wikileaks.org/plusd/cables/1973STATE178615_b.html) (accessed January 10, 2015); Wikileaks US cables, Sept 10 Press Summary, [http://www.wikileaks.org/plusd/cables/1973STATE179584\\_b.html](http://www.wikileaks.org/plusd/cables/1973STATE179584_b.html) (accessed January 10, 2015).

<sup>86</sup> Wikileaks US cable, IMPACT OF BATTLE FOR KOMPONG CHAM, [http://www.wikileaks.org/plusd/cables/1973PHNOM09800\\_b.html](http://www.wikileaks.org/plusd/cables/1973PHNOM09800_b.html) (accessed January 10, 2015).

<sup>87</sup> Wikileaks US cable, IMPACT OF BATTLE FOR KOMPONG CHAM, [http://www.wikileaks.org/plusd/cables/1973PHNOM09800\\_b.html](http://www.wikileaks.org/plusd/cables/1973PHNOM09800_b.html) (accessed January 10, 2015).

<sup>88</sup> Journalist's interviews of local residents, Tbaung Khmum, December 14, 2014.

<sup>89</sup> Human Rights Watch interviews, Phnom Penh, December 13, 2014.

<sup>90</sup> Wikileaks US cable, KHMER REPORT-SEPTEMBER 11, 1973, [http://www.wikileaks.org/plusd/cables/1973PHNOM09635\\_b.html](http://www.wikileaks.org/plusd/cables/1973PHNOM09635_b.html) (accessed January 10, 2015).

<sup>91</sup> Wikileaks US cable, SEPT. 13 EA PRESS SUMMARY, [http://www.wikileaks.org/plusd/cables/1973STATE182457\\_b.html](http://www.wikileaks.org/plusd/cables/1973STATE182457_b.html) (accessed January 10, 2015).

<sup>92</sup> Wikileaks US cable, IMPACT OF BATTLE FOR KOMPONG CHAM, [http://www.wikileaks.org/plusd/cables/1973PHNOM09800\\_b.html](http://www.wikileaks.org/plusd/cables/1973PHNOM09800_b.html) (accessed January 10, 2015).

<sup>93</sup> Wikileaks US cable, OUTCOME OF THE BATTLE OF KOMPONG CHAM--A PRELIMINARY BALANCE SHEET, September 24, 1973, [https://wikileaks.org/plusd/cables/1973PHNOM10240\\_b.html](https://wikileaks.org/plusd/cables/1973PHNOM10240_b.html) (accessed January 10, 2015).

<sup>94</sup> Human Rights Watch interview, Kampong Cham, November 1, 2005.

battalion and special forces commander in charge of 500 men. He soon became a regimental commander with control over some 2,000 men,<sup>95</sup> such that Battalion 75 was also under his authority.<sup>96</sup>

The regiment was being positioned for a CPK general offensive that was launched on January 1, 1975, aimed at seizing Phnom Penh and all of the other mostly provincial towns in Cambodia that by this time were the last major enclaves controlled by the Khmer Republic, including Kampong Cham town and Tonle Bet.<sup>97</sup> In February 1975, the CPK gave instructions throughout the East Zone to prepare for the evacuation of Phnom Penh and provincial towns,<sup>98</sup> thus making it clear that Kampong Cham and Tonle Bet would both be emptied once seized, completing the job begun in September 1973.

From April 1, 1975, Hun Sen says, he commanded an offensive with the objective of taking Tonle Bet.<sup>99</sup> He has related that on April 16, he was wounded by FANK shrapnel, as a result of which he lost his left eye and was unconscious for about a week,<sup>100</sup> an account corroborated by a person present on the battlefield.<sup>101</sup>

Citing his injury, Hun Sen denies any involvement in the CPK's forcible relocation of all populations in Cambodia hitherto under Khmer Republic control that began on or shortly after the Khmer Rouge took power on April 17, 1975,<sup>102</sup> which the ECCC judgment against former Khmer Rouge leaders Nuon Chea, Khieu Samphan and others characterizes as a crime against humanity. According to a person living in the Chiro area at the time, the Khmer Rouge took total control and forcibly evacuated people who had hitherto been under Khmer Republic administration into old Khmer Rouge zones deeper in Sector 21, where deportees were very soon executed.

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<sup>95</sup> Xing, *Hong Sen*, p.14; Mehta and Mehta, *Strongman*, pp.82,92.

<sup>96</sup> TTUVNAD, Stony Beach Message IIR 6 024 0224 92: January 23-26 Joint U.S./Cambodia POW-MIA Investigations in Kompong Cham Province.

<sup>97</sup> Voice of FUNK Radio Service, February 24, 1975, FBISDRAP, February 25, 1975.

<sup>98</sup> Academic's interview with Uk Bunchhoeun

<sup>99</sup> Xing, *Hong Sen*, p.16; Mehta and Mehta, *Strongman*, p.94; Gerrand interview with Hun Sen.

<sup>100</sup> Gerrand interview with Hun Sen; Chou Meng Tarr, "A Talk with Prime Minister Hun Sen," *Cultural Survival Quarterly* (Issue 14.3: July 31, 1990).

<sup>101</sup> Journalist's interview of local resident, Tbaung Khmum, December 14, 2014.

<sup>102</sup> Gerrand interview with Hun Sen; Tarr, "Talk with Prime Minister Hun Sen."

## Khmer Rouge Suppression of Cham Unrest, September-October 1975

After April 17, 1975, but while still in the hospital, Hun Sen was appointed as chief of staff of an autonomous special regiment in the East Zone,<sup>103</sup> one of three such units in various parts of the zone.<sup>104</sup> As per CPK practice, in this structure the CPK sector secretary exercised authority over the sector military.<sup>105</sup> Created out of the wartime Sector 21 regiment,<sup>106</sup> it comprised Battalions 55, 59, and 75.<sup>107</sup> Hun Sen was concurrently a deputy commander of the regiment, so he held positions giving him authority over all of the regiment's 2,000 men.<sup>108</sup> By May 1975, Hun Sen was well enough to attend meetings,<sup>109</sup> and shortly thereafter he joined his regiment, which had been deployed to the border with Vietnam in Me Mut district of Sector 21.<sup>110</sup>

In the ensuing months, Cambodia's Islamic Cham minority communities began to oppose the new order. Unrest grew in Krauch Chhmar district of Sector 21, especially on the island of Koh Phal (directly south across the Mekong from Peam Koh Sna commune) and further downriver in the Krauch Chhmar commune of Svay Khleang along the south bank of the Mekong. CPK suppression of uprisings in September-October 1975 in the villages of Koh Phal and Svay Khleang ended the most serious of such unrest.<sup>111</sup> As early as 1996, a history of the CPK reported that Sector 21 forces were involved in the suppression of the unrest.<sup>112</sup> However, Hun Sen has repeatedly denied any forces of his regiment were involved. He says that once in Me Mut, he began resisting CPK orders, the first instance being his refusal in September 1975 to send troops to kill Cham civilians. He says he told his superiors that 60 to 70 percent of his troops were ill with malaria and therefore not fit

<sup>103</sup> Xing, *Hong Sen* p.14; Mehta and Mehta, *Strongman* pp.92,94.

<sup>104</sup> Royal Government of Cambodia (RGC), Press and Quick Reaction Unit, "Clarification of the Press and Quick Reaction Unit on Khmer Rouge Trial, Bangkok Post Gets Nearly Everything Wrong," December 1, 2011.

<sup>105</sup> CPK Sector 21 Letter from Sot to Dèn, September 3, 1977 (document in Human Rights Watch possession).

<sup>106</sup> Human Rights Watch interview, Kampong Cham, November 1, 2005.

<sup>107</sup> NGO interview with Me Mut resident, May 10, 2005.

<sup>108</sup> Gerrand interview with Hun Sen; *Sechkdey Thlengkar Robah Ranasei Samaki Sangkruoh Cheat Thngai Ti 2 Khe Thou 1978* (Announcement of the Solidarity Front for the Salvation of the Nation, 2 December 1978), p.21.

<sup>109</sup> Gerrand interview with Hun Sen.

<sup>110</sup> Xing, *Hong Sen*, p.20; Mehta and Mehta, *Strongman*, p.94.

<sup>111</sup> Ysa Osman, *The Cham Rebellion: Survivors' Stories from the Villages* (Phnom Penh: Documentation Center of Cambodia, 2006), pp.77-111.

<sup>112</sup> Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide under the Khmer Rouge, 1975-79 (Third Edition)* (London: Yale University Press, 2008 [First Edition, 1996]), p.265



to put down the Cham revolt. The unrest, he says, was instead suppressed by forces from Krauch Chhmar district itself.<sup>113</sup>

Other accounts contradict Hun Sen's version, indicating that although Krauch Chhmar district forces may have dealt on their own with Koh Phal village, Battalion 55 of the Sector 21 Regiment was directly involved in the subsequent attack on Svay Khleang. According to one testimony by a former Sector 21 regiment combatant, after the unrest broke out and had already spread to Svay Khleang, Battalion 55 was dispatched from the border to suppress it. This is corroborated by the account of a Krauch Chhmar resident who observed Sector 21 troops moving into battle, saying that the units that suppressed the Cham unrest in 1975 were Krauch Chhmar District Military forces, based at the district seat on the Mekong, and Battalion 55, which came up into Krauch Chhmar from rubber plantations to the south, thus arriving from further away and therefore later than Krauch Chhmar forces.<sup>114</sup> This is consistent with a Svay Khleang villager's account that after Krauch Chhmar district troops appeared from the west, hundreds of other troops in a different type of uniform and carrying heavy weapons arrived.<sup>115</sup> A fourth source, who also lived in the Svay Khleang village during the attack declared that there were four attack prongs, including Krauch Chhmar district forces who dug in as a blocking force west of Svay Khleang and forces belonging to the Sector 2 regiment from the border, which carried out assaults from the east, the south, and from on boats in the Mekong. This source specified that the attackers bombarded the village with 60 and 82 millimeter mortar rounds, while also firing on villagers with assault rifles and rocket-propelled grenades, killing hundreds of villagers. He also said the Sector troops came up through rubber plantations in, or to the south of, Krauch Chhmar.<sup>116</sup>

This Khmer Rouge violence is alleged to constitute crimes against humanity in the ECCC investigating judges' indictment of CPK-era leaders for targeting specific ethnic or religious groups, including the Cham, to expunge their particular identities.<sup>117</sup>

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<sup>113</sup> Xing, *Hong Sen*, p.21; Mehta and Mehta, *Strongman*, pp.94-95; Gerrand interview with Hun Sen; Kieman, *Pol Pot Regime*, p.266.

<sup>114</sup> Academic's interview of Krauch Chhmar resident, February 16, 2003.

<sup>115</sup> Ysa Osman, *Cham Rebellion*, p.84.

<sup>116</sup> Journalist's interview with local resident, Tbaung Khmum, December 14, 2014.

<sup>117</sup> ECCC, Office of Co-Investigating Judges, "Closing Order" (D427), September 15, 2010, pp.186-196.

Hun Sen asserts that he had increasing disagreements with certain CPK policies and practices in 1976 and especially in the first half of 1977, as a result of which he decided to leave Cambodia for Vietnam.<sup>118</sup> He crossed the border on June 20, 1977, although the exact circumstances are disputed.<sup>119</sup>

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<sup>118</sup> Xing, *Hong Sen*, p.21.

<sup>119</sup> Xing, *Hong Sen*, pp.22-23; Mehta and Mehta, *Strongman*, pp.98-100; Gerrand interview with Hun Sen; Hun Sen, "Selected Comments at the Gathering at Memot District of Kompong Cham Province for the 32nd Anniversary Celebration of the January 7 Victory Day," January 5, 2011 (document in Human Rights Watch possession); Human Rights Watch interview, Kampung Cham, October 29, 2005.

### III. Hun Sen and the “K5” Forced Labor Program

In response to Khmer Rouge attacks, the Vietnamese army invaded Cambodia on December 25, 1978. It reached Phnom Penh on January 7, 1979, then chased the Khmer Rouge to the Thai border.

Vietnam installed a new government, mixing Hanoi-trained communists with former Khmer Rouge officers to run the People’s Republic of Kampuchea (PRK). The former group included Pen Sovann, who was named the prime minister. Among the latter group was an obscure, 26-year-old named Hun Sen, who became the world’s youngest foreign minister. Pen Sovann soon fell afoul of Hanoi and was arrested. He was replaced by Chan Si, who died in office in December 1984. Hanoi, impressed with the capacity and loyalty of the young foreign minister, promoted Hun Sen to the post of PRK prime minister on January 14, 1985.<sup>120</sup>

The PRK was a police state, with virtually no civil or political freedoms. Among the many serious human rights abuses of its rule, few were more notorious than the Kế hoạch năm or K5 plan. K5 involved the mass mobilization of Cambodian civilians for labor on the Cambodia-Thai border and which led to the deaths of many thousands of Cambodians from disease and landmines.

Planned in early 1983 by the Vietnamese military command for Cambodia, K5 called for a Vietnamese offensive assisted by PRK troops to attack remnant Pol Pot-led Khmer Rouge and other anti-Vietnamese and anti-PRK armed forces based along the Cambodia-Thailand border in late 1984, at the start of the dry season. This was to be followed by construction of defensive fortifications and obstacles on the Cambodia side of the border, including the planting of large numbers of landmines. The goal was to prevent Pol Pot-led Khmer Rouge and other guerrillas from reestablishing their bases and infiltrating Cambodia from Thailand. According to Sin Sen, who became deputy minister of interior of the PRK in 1987 and was a senior member of the security forces until his involvement in a coup attempt in 1994, “The plan was to build a wall like the Berlin Wall along the Thai border.”<sup>121</sup>

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<sup>120</sup> Phnom Penh Domestic Radio Service, January 14, 1985, FBISDRAP, January 14, 1985.

<sup>121</sup> Brad Adams interview with Sin Sen, February 10, 2000, Phnom Penh.



Vietnamese planners decided it would be necessary “to mobilize a very large force from all classes of the [Cambodian] civilian population” from “the entire nation” as labor to construct this defensive “wall.” The plan was for the PRK “military, government, and Party headquarters and agencies from the national down to the local level to direct, organize, and manage” the construction project, doing so with Vietnamese military assistance.<sup>122</sup>

The military offensive went off successfully, after which the construction work began. The overwhelming bulk of this was carried out by the civilian population as planned. However, establishing a comprehensive effective line of fortifications and obstacles proved considerably more difficult than expected, especially in many areas of rugged terrain, forest and jungle. The work continued on a significant scale for a number of years but was never fully completed.<sup>123</sup>

Le Duc Tho, the senior Vietnamese official in charge of Cambodia, appears to have introduced the K5 construction plan to top PRK authorities, including its Revolutionary People’s Party of Kampuchea (RPPK), government and armed forces in January 1984. The RPPK Politburo approved a final version in July 1984. It was carried out under the overall authority of the RPPK Secretariat and PRK Council of Ministers, via a K5 Leadership Committee comprising RPPK, government and military officials. This committee was originally headed by the chairman of the PRK Council of Ministers, Prime Minister Chan Si, until his death in December 1984.

According to Sin Sen, “K5 was led by Hun Sen. He was assigned this responsibility by Vietnam.”<sup>124</sup> Day-to-day responsibility for K5 matters was reportedly invested in a subordinate standing vice-chairman, who led a K5 Standing Committee. This was originally Soy Keo, a vice-minister of national defense who was also concurrently chairman of the armed forces General Staff. In late 1985, Hun Sen replaced him with Nhim Vanda, a close confidante and the deputy minister of planning, who later became a deputy minister of defense.<sup>125</sup>

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<sup>122</sup> Nguyễn Văn Hồng, *Cuộc chiến tranh bất buộc: hồi ức* (The Unwanted War: A Memoir) (Ho Chi Minh: Nha Xuất Ban Tre, 2004), pp.169-180; Lịch Sử Cục Tác Chiến 1945-2000 (History of the Combat Operations Department 1945-2000) (2005), posted on <http://www.quansuvn.net/> at <http://www.quansuvn.net/index.php?topic=82.165> (accessed January 10, 2015).

<sup>123</sup> Nguyễn Văn Hồng, *Unwanted War*, pp.194-205.

<sup>124</sup> Brad Adams interview with Sin Sen, February 10, 2000, Phnom Penh.

<sup>125</sup> Nhim Vanda was promoted to deputy minister of defense and chief of logistics in January 1989. He was vice-chairman of the 11-man Khmer-Thai Economic Commission, established and chaired by Defense Minister Tie Banh, in February 1989. In November 1990 he was appointed to the Cambodian Politburo as vice trade minister and in January 1991 he was made trade minister.

Meanwhile, the Council of Ministers assigned provinces, municipalities and government ministries and departments to provide labor for K5 projects, according to a quota system.<sup>126</sup> Vietnamese and official PRK sources portray the project as arduous but legal and not entailing large-scale fatalities, especially after the authorities corrected initial shortcomings in the care of the labor force.<sup>127</sup> Soy Keo reported to the all-RPPK National Assembly in July 1985 on the implementation of the plan, noting that 90,362 ordinary people were involved in the construction work. He argued that their deployment was pursuant to article 9 of the PRK Constitution, which stated that “the people as a whole participate in national defense.”<sup>128</sup> In subsequent years, according to official statistics, the number of ordinary people deployed as workers dropped: 20,034 in 1986-1987 and 8,814 the next year. However, they were supplemented throughout by militia, cadre and state employees. Including these would bring the 1986-87 figures to 38,388 and that of the following year to 13,316.<sup>129</sup>

In theory, workers were supposed to be paid for their efforts, but most went involuntarily and were used as forced labor, especially after many in the first waves came back ill, especially with malaria, with perhaps 5 to 10 percent dying. If official figures were accurate, this would suggest a death toll from malaria of about 1,000 persons.<sup>130</sup> A report from deputy health minister Chhea Thang and others who inspected K5 worksites in December 1985 blamed the malaria fatalities on bad weather that left the workers with little food and low resistance. The report also blamed the laborers for their own poor hygiene.

Subsequent reports from the Ministry of Health and the Council of Ministers and to the latter maintained that counter-measures had greatly reduced the death toll.<sup>131</sup> Other sources tell a very different story, describing a highly coercive deployment of a much larger work force and many more deaths, against which the authorities evidently took few effective measures. Each province, district, commune and village in the PRK was assigned a quota of “volunteers” to fill. Force and threats were used to make reluctant civilians participate.

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<sup>126</sup> Margaret Slocomb, “The K5 Gamble: National Defence and Nation Building under the People’s Republic of Kampuchea,” *Journal of Southeast Asian Studies* (Vol.32, No.2: June 2001), p.201.

<sup>127</sup> Nguyễn Văn Hồng, *Unwanted War*, pp.194-205.

<sup>128</sup> Slocomb, “K5”, pp.198-199.

<sup>129</sup> *Ibid.*, p.201.

<sup>130</sup> *Ibid.*, pp.201-203.

<sup>131</sup> *Ibid.*, pp.203-204.

According to Kong Korm, the deputy minister of foreign affairs at the start of K5 and later appointed minister of foreign affairs in 1987, “Civilians from Svay Rieng, Prey Veng, Kandal and youth were mobilized to clear the border area. Students were forcibly conscripted into the military. Soldiers tore up student cards and inducted them.... But one group, including Hun Sen’s friends and subordinates, was sent to Battambang instead of the border.”<sup>132</sup>

Overall, one million or more Cambodians may have been sent to the border. Working conditions were miserable, particularly in the early stages. Virtually no shelter was provided, so workers had to sleep on mats, tarps or on the ground. Food was in short supply. One account cited an alleged internal Vietnamese army report finding that the living conditions of the K5 workers were miserable: “The main course is salt and less than thirty grams of dried fish if there is any, for a worker, and they are ill for a lack of medicines. The report cited corruption as the major reason for the conditions.”<sup>133</sup>

People taken from areas of the country with little or no malaria were dumped into a place with some of the most virulent strains of malaria in the world. Only 30-40 percent of the workers were given mosquito nets. There was no medicine and Cambodia’s hospitals were not equipped to deal with an epidemic. In fact several thousand, possibly tens of thousands, died of disease. Thousands more died and were disabled by landmines. The Thai-Cambodia border area had been heavily mined over the years by all of the armed forces active there. K5 workers were compelled to clear mine-infested areas without any previous training in spotting mines.

According to Bartu, “under the guise of removing potential refuge for the resistance, the programme enabled massive deforestation in Cambodia. In Takeo province for example much of the damage to the forests began in the early eighties when about 2000 hectares of trees were cleared.”<sup>134</sup> According to Sin Sen, “Corruption was massive. If 10 tents were provided, only one would arrive.”<sup>135</sup>

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<sup>132</sup> Brad Adams interview with Kong Korm, November 23, 1999, Phnom Penh.

<sup>133</sup> Peter Bartu, “The Fifth Faction: The United Nations in Cambodia 1991-1993” (PhD diss., Monash University, 1998).

<sup>134</sup> Mang Channo ‘Forest Given to Local Government’ *Phnom Penh Post*, January 13-26, 1995 p.5, Channo reports that by 1995 only four percent of the province was covered by forest.

<sup>135</sup> Brad Adams interview with Sin Sen, February 10, 2000, Phnom Penh.



Another troubling aspect of K5 labor conscription, according to academic research, is that it hit disproportionately at Cambodia's ethnic Chinese communities, which were then the target of official PRK discrimination and died in large numbers at K5 border worksites. This situation reportedly opened up opportunities for extortion by PRK cadre, or at least invited bribes from Chinese who paid to have poor Khmer sent to the border in their place. Some of those who paid bribes claim that they were then arrested for having done so.<sup>136</sup> Bribery was not confined to the Chinese community, however, as Cambodians of all ethnicities have described paying bribes to avoid a deadly assignment.

Senior ruling party officials interviewed indicate that Hun Sen and other senior PRK officials were aware that the situation was much worse than that described in the official reports mentioned above, but that they decided to downplay the seriousness of the situation and blamed it on "enemy subversion" of the project. No dissent within the party on the issue was allowed.<sup>137</sup>

By the end of the program, Nhim Vanda had become a notorious and unpopular figure in Cambodia, with both he and Hun Sen blamed by many Cambodians for engaging in forced labor that led to the deaths and disability of thousands. Senior Cambodian officials claimed that K5 almost led to the collapse of the PRK regime.<sup>138</sup> The K5 program was "extremely unpopular" in Cambodia, said Sin Sen. "No one supported it. Only the poor were sent to K5. When they went there they were sure they would die."<sup>139</sup> One expert concluded that "the K-5 plan probably alienated the Vietnamese from the Khmer people more than any other programme."<sup>140</sup>

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<sup>136</sup> Sambath Chan, "The Chinese Minority in Cambodia: Identity Construction a Contestation" (Montreal: Concordia University M.A. Thesis, March 2005), pp.59-68.

<sup>137</sup> Brad Adams interviews with senior government and party officials, names withheld.

<sup>138</sup> Brad Adams interviews with senior government and party officials, names withheld.

<sup>139</sup> Brad Adams interview with Sin Sen, February 10, 2000, Phnom Penh.

<sup>140</sup> Peter Bartu, "The Fifth Faction: The United Nations in Cambodia 1991-1993" (PhD diss., Monash University, 1998), p.32.

## IV. Hun Sen and PRK Repression in the 1980s

Upon becoming Prime Minister on January 14, 1985, Hun Sen assumed, in accordance with chapter 6 of the PRK Constitution, authority over the PRK armed forces, police and other security units. This placed him in charge both of national defense and domestic security.

The units over which he was thereby constitutionally empowered to exercise command were tasked with elimination of three types of opposition to the PRK: armed guerrilla groups, organized but non-violent opposition groups, and individual dissent inside and outside the PRK ranks. The armed insurgents included the Pol Pot-led Khmer Rouge guerrillas and two allied non-Communist resistance groupings, the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC), then led by Prince Norodom Sihanouk, and the Khmer People's National Liberation Front (KPNLF), led by Son Sann.

In both public propaganda and internal analyses, the PRK regarded all three categories of opposition as “objectively” tantamount to “Pol Pot,” tarring the PDK coalition partners FUNCINPEC and KPNLF, as well as individual dissidents, with the Khmer Rouge brush. This aimed to create the false impression that PRK political repression was aimed primarily at “genocidaires.”

The PRK, its armed forces, and the large number of Vietnamese armed forces present in the country were entitled to conduct military operations against armed opposition groups. However, in confronting the Khmer Rouge and imposing one-party rule within Cambodia, the PRK engaged in widespread and systematic violations of human rights in both conflict and non-conflict settings, including large-scale prolonged arbitrary detention without charge or trial; unfair trials; routine torture and other cruel, inhuman or degrading treatment of detainees; and extra-judicial killings.<sup>141</sup>

Under Hun Sen, the PRK ran a police state. In the mid-1980s, there were an estimated 5,000 political prisoners in the PRK. Arrests by the Cambodian and Vietnamese police,

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<sup>141</sup> Amnesty International, *Kampuchea: Political Imprisonment and Torture* (London, 1987); Lawyers Committee for Human Rights, *Kampuchea: After the Worst* (New York: 1990).

armed forces and intelligence agencies on political grounds were routinely carried out against real and perceived dissidents. Detainees and prisoners were often held indefinitely on the basis of unsubstantiated and exaggerated or plainly false allegations of opposition activity or involvement. These allegations frequently resulted from unreliable evidence elicited through a combination of torture, abusive conditions of incarceration and other forms of duress inflicted on political and other suspects as a matter of course. The Cambodian and Vietnamese police, army and other authorities often seized people on spurious allegations by neighbors with personal vendettas against the accused, such as with regard to extra-marital affairs.

Most detainees and prisoners were peasants or other ordinary people falsely accused of being “enemy links.” Others were alleged “two-faced” elements who had been working for the PRK administration or armed forces at the time of their arrest. These included people arrested for distributing or possessing leaflets or cassette tapes criticizing the government and the Vietnamese, attending meetings at which such materials were handed out, or individually voicing such criticisms. Very few were combatants of anti-PRK guerrilla units.

The security forces followed the long-time Communist Party practice of not specifying to suspects why they had been arrested or producing evidence, instead simply labelling them “traitors” or “enemies” and demanding that they themselves explain to the authorities the reason for their arrest. Those who did not take up this offer to “confess” were subjected to torture or otherwise forced into “confessing,” such that, ultimately, “confession” was their only option for avoiding severe suffering, regardless of whether they were politically opposed to the PRK. Interviews with former prisoners and security force personnel conducted in the 1980s by the Lawyers Committee for Human Rights and Amnesty International undertaken on the Thailand-Cambodia border suggest that torture was inflicted on at least 60 percent of political detainees.<sup>142</sup>

Torture was facilitated by the fact that many prisoners were held in dark cells while undergoing interrogation in complete isolation from the outside world and even from fellow inmates. Contact with relatives was usually severely restricted throughout a prisoner’s detention. Those who did not break under torture were threatened with being

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<sup>142</sup> Amnesty International, *Kampuchea: Political Imprisonment and Torture* (London, 1987); Lawyers Committee for Human Rights, *Kampuchea: After the Worst* (New York: 1990).



sent to court: they were told that unless they took the opportunity to “confess,” a revolutionary people’s tribunal would sentence them to many years of imprisonment or even to death. Hun Sen’s ultimate political control over the judiciary ensured that such threats could be carried out.<sup>143</sup>

In 1986, the PRK established the “A-3” Combat Police, which Hun Sen characterized as an “intelligence police force” to uproot and suppress alleged Pol Pot partisans operating underground in government-controlled areas.<sup>144</sup> In practice A-3 targeted a wide variety of political opponents, including non-Khmer Rouge insurgents and non-violent critics. In 1989, Hun Sen set up additional specialized police units, including intelligence and border patrol police contingents, to more effectively suppress armed and unarmed opposition in order to strengthen his position in negotiations for a political settlement of the civil war.<sup>145</sup> These would later provide seedbeds for “death squads” deployed after that settlement, the October 1991 Paris Agreements, were signed by Hun Sen and representatives of Pol Pot’s Khmer Rouge, FUNCINPEC, the KPNLF and 18 foreign governments.

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<sup>143</sup> Ibid.

<sup>144</sup> Hun Sen, “Address at the Commemoration of the 62nd Anniversary of the Establishment of the National Police Force, 16 May 2007, Chaktomouk Conference Hall” (document in Human Rights Watch possession).

<sup>145</sup> Ibid.

## **V. Hun Sen and Death Squads During the UN Peacekeeping Mission in 1992-93**

The CPP prepared for the arrival of the United Nations Transitional Authority in Cambodia (UNTAC), by setting up elaborate teams to attack, threaten, and intimidate FUNCINPEC, the Buddhist Liberal Democratic Party (BLDP), the Khmer Rouge, and others in the political opposition and their supporters in the run-up to UNTAC-administered elections scheduled for 1993. Hun Sen remained prime minister during this period and exercised individual and collective control over military and security force policy and practices.

The final report of UNTAC's Human Rights Component, issued in September 1993, provides a chilling summary of the violence and other abuses committed by forces of the Cambodian People's Party (CPP) during the UNTAC period. The report contains an appendix of "investigation statistics" listing types of abuses committed, the number of incidents and victims, and to whom UNTAC attributed responsibility. The report stated that the PRK's successor, the State of Cambodia (SOC), the new official name given to the country as part of a rebranding exercise by the ruling party in advance of elections, was responsible for 39 incidents of "killing of political opponents" that resulted in 46 "casualties," as well 25 "killings the primary purpose of which is to intimidate the civilian population and other summary executions" that resulted in 40 "casualties." The report listed hundreds of other cases of SOC abuses, including enforced disappearances and torture. The numbers in the report understate the extent of the violations since UNTAC could not investigate all cases or specify who was responsible in all cases it did investigate.<sup>146</sup>

Information gathered by UNTAC showed that those who committed abuses, including the police and army, operated as direct agents of the ruling CPP under ministerial-level instructions as well as under the direction of provincial, district, commune and village officials. The perpetrators were involved both in intelligence-gathering activities directed at opposition political parties and individuals connected to those parties, and in suppressing the political activities of the opposition.<sup>147</sup>

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<sup>146</sup> UNTAC, Human Rights Component Final Report, September 1993.

<sup>147</sup> UNTAC Information/Education Division, SOC/CP documents accessed by Control Team in Sihanoukville, May 17, 1993; UNTAC Control Team, Pre-Mission: Takeo Province, February 27, 1993; UNTAC Control Team, Pre-Mission: Kampong Cham

UNTAC gathered extensive evidence of SOC and CPP use of covert groups to carry out political violence and intimidation. Some existed as distinct entities, while others operated within formal units, surfacing periodically when called into action. Some members of these groups worked for more than one group. They included former members of groups such as the A-3, set up in the 1980's as "combat police" to fight resistance forces and to root out its suspected supporters in the country.

However, most were new groups set up by the CPP to prepare for the arrival of UNTAC and the return of opposition parties to Cambodia to contest elections. The most important of these groups were the so-called "A-Teams," "T-Groups," and "reaction forces," which were created to obstruct the activities of opposition parties through violence and other means, and to infiltrate UNTAC.<sup>148</sup> These became instrumental in carrying out political violence and sabotage. Many secret groups are mentioned in United Nations files, some civilian and some not. Various code names were used by these groups, including A-90, A-92, A-93, A-48, A-50, S-21, S-22, S-23, X-09, X-90, T-30 T-90, and A-5.

Interviews with members of these units have confirmed their existence and provided details of their orders and the kinds of abuses they committed. Former senior cadres of the Ministry of Interior's Defense of Political Security directorates were put in charge of strategy, while operational personnel were drawn from, among others, A-3 and Infantry Regiment 70,<sup>149</sup> a unit under direct command of the General Staff Department of the Ministry of Defense. This unit would later become infamous for its role in the March 30, 1997, grenade attack on Sam Rainsy and Hun Sen's July 1997 coup (see chapters VI and VII below), as well as a litany of other abuses, after it was renamed Brigade 70 and tasked with ensuring security and safety for senior government officials, including Hun Sen.<sup>150</sup>

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Province, March 11, 1993; UNTAC Information/Education Division, The Takeo Papers, March 15, 1993; UNTAC, Sixth Meeting on Public Security, September 3, 1992; UNTAC Control Team, Prey Veng: Report of the Administrative Sub-team, February 23, 1993; UNTAC Information/Education Division, Translated Documents Accessed by Control Team, April 2, 1993; and UNTAC, Sixth Meeting on Public Security, September 3, 1992; UNTAC Control Team, Findings of the Control Team, April 1, 1993; and UNTAC Information/Education Division, Translated Documents Accessed by Control Team, April 9, 1993.

<sup>148</sup> UNTAC Control Team, Findings of the Control Team, April 16, 1993; UNTAC/Education Division, Translated Document Accessed by Control Team, April 1, 1993; UNTAC Information/Education Division, SOC/CPP Documents Accessed by Control Team in Sihanoukville, May 17, 1993; and UNTAC Information/Education Division, CPP Secessionism, Resignations from the Assembly and Intimidation of UNTAC: Background and Theories, June 13, 1993; and UNTAC Information/Education Division, After the Autonomous Zone, Prey Veng Province June 17-18, 1993.

<sup>149</sup> Brad Adams interview with former A-3 commander, Phnom Penh, March 1, 2000.

<sup>150</sup> RGC, Sub-decree 51, October 15, 1994.



The functions of these groups do not appear to have been well understood until relatively late in UNTAC's lifespan, by which time political violence was jeopardizing the peace process. An UNTAC report written in April 1993 states that, "A groups," operating under the command of the Ministry of National Security, were "engaged in activities wholly detrimental to the creation of a neutral political environment." The same document concluded that the SOC, knowing this was in violation of the terms of the Paris Agreements, had "taken every step to conceal their existence from UNTAC and the populace."<sup>151</sup>

A Ministry of National Security document entitled "Building up A-92 Forces" obtained by UNTAC describes the role of A-92 in considerable detail. A covert command structure running from the commissioner or deputy commissioners of security in each province was established that recruited people with high standing, such as professors, teachers, medical practitioners, monks, and "other persons with influence among the ranks of the popular masses." A-92 operatives were directed to infiltrate and subvert "all the various political organizations having a policy of opposition to the Cambodian People's Party." The aim was to uncover information about their strategies and supporters, and to disrupt them by seizing control of vital functions, including economic resources. Their functions included creating "misunderstanding among the popular masses about the opposition parties, to foment activities that undermine their reputations and interests, to create contradictions and splits among their forces, and to use pre-emptive methods to prevent the opposition parties from gaining the advantage in the election."<sup>152</sup>

The document said that A-92 personnel would:

Carry out, either personally or through intermediaries, the destruction and forestallment of the stratagems, plans, methodologies, tricks and activities of the opposition parties which aim at expanding their influence and their membership and to destroy us. They are also to achieve any of a number of goals, primarily those such as eliminating the influence, propaganda and psychological warfare of the opposition parties, and in particular to eliminating their influence among the popular masses.

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<sup>151</sup> 'Reaction Forces and 'A' Groups', UNTAC Information/Education Division, April 12, 1993.

<sup>152</sup> Ministry of National Security, "Building Up A-92 Forces," unpublished document on file with Human Rights Watch.

The document continued: “It is imperative to set up Assistance Groups both in the ministries and in the provinces and municipalities. These are to be selected from among the security forces.... The Ministry specifies that this document is to be kept top secret.”<sup>153</sup>

UNTAC records show that A-Teams and reaction forces encouraged and directed their members to carry out attacks and then cover up evidence of official complicity.<sup>154</sup> As reaction forces had no official links to SOC security forces, police were able to deny involvement. Documents uncovered in Takeo, Prey Veng, and Kampong Cham provinces show that members of the security forces were encouraged to meet quotas for incidents, and cover up CPP complicity by appearing to assist UN investigators. Thus, the same people who were behind the crimes were able to influence investigations.<sup>155</sup>

A former A-Team member, a leader of a covert team in one of Cambodia’s largest provinces, explained how T-90 worked:

T-90 was set up for action. It was made up of drunks, losers, young unemployed men, teenagers who would ride around on motos [motorbike taxis], drink, sing karaoke, etc. Often they would be assigned to start fights with suspects and the police would arrive and arrest both. The T-90 person would be released, while the suspect would be held and tortured or killed. This was hard for UNTAC to detect or even suspect. T-90 targeted opposition party members.<sup>156</sup>

Another former A-Team member explained that A-90 members worked using information gleaned from civilian informants in T-30. When individuals were identified by T-30 as suspects, A-90 would reportedly be responsible for intimidating, detaining or, in some cases, killing them. Many of those who worked for A-90 came from local and district police.<sup>157</sup>

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<sup>153</sup> Ibid.

<sup>154</sup> Judy Ledgerwood, “Patterns of CPP Political Repression and Violence During the UNTAC Period,” in Steve Heder and Judy Ledgerwood, eds., *Propaganda, Politics, and Violence in Cambodia: Democratic Transition under United Nations Peace-keeping* (London: M.E Sharpe, 1996), p.129.

<sup>155</sup> Interoffice memorandum from Penny Edwards, Info-Ed Division to Mr. John Ryan, Inspector Defence Service, Reaction Forces and “A” Groups, 12 April 1993.

<sup>156</sup> Brad Adams interview, Phnom Penh, March 1, 2000.

<sup>157</sup> Human Rights Watch interview with former A-3 commander, Kampong Cham, December 13, 2003.

A police document obtained by UNTAC from Tbaung Khmum district in Kampong Cham province spoke of the need “to build a reaction force of one person per village” to identify and destroy “targets.”<sup>158</sup> A separate document from Kampong Cham showed that 20 SOC security forces personnel were employed in forming reaction forces in a single district.<sup>159</sup>

A senior SOC operative who admitted being involved in planning killings of opposition activists and participating in meetings of senior officials explained:

The CPP was afraid they would lose the 1993 election, so Sin Song and Sin Sen, [Minister and Deputy Minister of National Security, respectively] who were responsible for internal security, worked with generals from the police and army to create new structures. A-90 was the hidden force of the police. It was set up to monitor and control the overall situation in Phnom Penh and the country. It was in charge of seeking political movements and opponents. It had staff in charge of researching security matters, both normal and political. A-92 was the hidden forces under the control of the [Ministry of Interior]. A-90 and A-92 could kill, arrest secretly, and kidnap. They were also expected to generate revenue.

Every police unit had to provide backup – financially, materially, equipment, etc. When Mok Chito [senior police officer] or my unit discovered something or a target we first had to make a report to our superiors. They take the decision to kill. Mok Chito was involved in lots of killings. Sok Phal was in charge of internal security, while Luor Ramin was responsible for foreigners. A-teams reported to Sok Phal, who reported to Sin Sen. Sometimes they went directly to Sin Sen.<sup>160</sup>

One former A-Team member from Kampong Cham province admitted involvement in many killings, but refused to provide details. He said that A-Teams were responsible for many of

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<sup>158</sup> SOC: Tbong Khmum district police inspectorate, Response Plan to Plan No. 09 pla. Of 22/12/92 of the Kampong Cham provincial police commissariat, No. 01., 27/1/93; Quoted from a Memo from Penny Edwards, April 12, 1993.

<sup>159</sup> UNTAC files: Unidentified document, Kampong Cham; Quoted from a Memo from Penny Edwards, April 12, 1993.

<sup>160</sup> Brad Adams interview with former SOC police officer, Phnom Penh, March 2000.



the attacks on activists from FUNCINPEC and the Buddhist Liberal Democratic Party during the UNTAC period:

When the A-Teams arrested someone, people were held in secret places of detention such as safe houses, cages, pagodas, etc. Every time someone was killed a report was sent to superiors. All reached Sin Sen.<sup>161</sup>

During UNTAC, Sin Sen was the deputy minister of national security a senior member of the CPP, and a representative of the SOC on the Supreme National Council, the body in which all four Cambodian parties were represented and in which Cambodian sovereignty had been placed during UNTAC. Sin Sen has been described by many former A-Team members and present and former security personnel as the architect of the A-Teams and the political violence carried out by the SOC during UNTAC. He was arrested and imprisoned for his alleged role in a failed 1994 coup attempt by CPP elements against co-prime ministers Prince Ranariddh and Hun Sen. He was later pardoned by King Sihanouk as part of a political deal between FUNCINPEC and the CPP.

A-Teams appear to have been dissolved as coherent units amid a reorganization of security personnel following the July 1994 coup attempt, when Hun Sen demanded the ability to appoint someone to the newly-created post of national police chief (he named Hok Lundy as Supreme Director of National Police<sup>162</sup> and soon consolidated his control of the police at the expense of the Chea Sim and Sar Kheng faction of the CPP). Members of the security forces say key officers were reintegrated into units such as the Land Border Police, Interior Ministry Bodyguards, and Intervention Police. Others were redeployed to the Gendarmerie and the Second Prime Minister's Bodyguard Unit in late 1994.<sup>163</sup>

Reintegrating A-Team personnel into formal units of the police and armed forces did not end the practice of covert activity against political and other opponents. Today, such groups operate within the police. According to former police commanders, they are divided into what are known as "*kamlang l'a*" or "Good Forces," principally meaning

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<sup>161</sup> Brad Adams interview with former member of A-Team, Phnom Penh, March 1, 2000.

<sup>162</sup> *Reaksamei Kampuchea*, August 22-2, 1994.

<sup>163</sup> Human Rights Watch interviews with former A-3 commander in Kampong Cham on December 13, 2003, former senior Ministry of Interior official on January 20, 2004, former A-3 commander on December 8, 2003, and former commander of police department at the Ministry of Interior on May 16, 2004.

informants, and “*kamlang samngat*,” or “Secret Forces.” The existence of these forces and other such groups under the command of senior officials has been reported to Human Rights Watch by sources in the Judicial Police Department at the Ministry of Interior, the Anti-Terrorism Department at the Ministry of Interior, Police Intervention Unit at the Ministry of Interior, in several departments of the Phnom Penh Municipal Police, in the prime minister’s Bodyguard Unit, the Gendarmerie, the Military Intelligence and Research Department, and at the highest levels of the National Police. Responsibility for operations rests wholly with commanders and secrecy means that no member is likely to know more than a handful of others.<sup>164</sup>

No one has ever been held accountable for any of the abuses reported above by UNTAC. Worse, all of the people named above were promoted after UNTAC was dissolved.

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<sup>164</sup> Human Rights Watch interview with former officer at the Judicial Police Department of the Phnom Penh Municipal police, Phnom Penh, May 2004; Interview with former officer at the Anti-terrorism Department of the Ministry of Interior, May 23, 2004; Human Rights Watch interviews with gendarmerie commander, Phnom Penh, April 12, 2011; Human Rights Watch Interview with former Phnom Penh police officer, Phnom Penh, April 7, 2011; and Human Rights Watch interview with former military commander, Phnom Penh, April 2011.

## **VI. Hun Sen and the Grenade Attack on an Opposition Party Rally, March 30, 1997**

By 1997 the CPP-FUNCINPEC coalition government was falling apart. Armed clashes between soldiers and security officials from each party broke out in Battambang province in February.

At this time, Sam Rainsy was emerging as a serious threat to CPP success at elections scheduled for 1998. Since the killing of an opposition journalist in May 1996, Rainsy, who had been minister of finance until his dismissal in 1994 by Co-Prime Ministers Prince Ranariddh and Hun Sen for demanding the acceleration of reforms, had begun staging regular protests over labor rights, corruption, illegal logging, the environment, and the lack of political pluralism. The creation of Cambodia's first independent labor unions in January 1997 had led to many strikes and demonstrations. Rainsy attended many of them, and each was met with a heavy police presence that raised tensions.

On Sunday, March 30, 1997, approximately 200 anti-government demonstrators arrived at a park across the street from the Royal Palace and the National Assembly after a 10-minute march. They carried banners with slogans in Khmer and English such as "Down with the Communist Judiciary" and "Stop the Theft of State Assets." Rainsy was present at the rally.

The UN human rights office in Phnom Penh considered the rally on March 30 to be so innocuous that for the first time it sent no one to monitor it. Yet this demonstration made history for two reasons: it was the first post-UNTAC demonstration formally approved by the Ministry of Interior, and it ended in grenades and carnage. When the grenade-throwing was over, at least 16 people lay dead and dying. More than 150 were injured.

The main target, Sam Rainsy, survived the attack. After the first grenade exploded, Rainsy's bodyguard, Han Muny, threw himself on top of his leader. He took the full force of a subsequent grenade and died at the scene. Rainsy escaped with a minor leg injury. Body parts of other victims littered the area, and the grisly photos of the dying against the backdrop of the Royal Palace landed the story on the front pages of newspapers around the world and as the lead story on CNN. One photo shows a teenage girl with her legs



blown off trying to stand up. Cambodian police present not only did not help the injured, but some tried to block bystanders from assisting victims.

The attack was well-planned. Members of the personal bodyguard unit of Hun Sen, Brigade 70, were deployed in full riot gear at the rally. The rally was the first time Brigade 70 has been deployed at a demonstration. The elite military unit not only failed to prevent the attack, but was seen by numerous witnesses opening up its lines to allow the grenade-throwers to escape through a CPP-controlled area of Phnom Penh, and then threatened to shoot people trying to pursue the attackers. The police, which had previously maintained a high-profile presence at opposition demonstrations in an effort to discourage public participation, had an unusually low profile on this day, grouped around the corner from the park. Other police units, however, were in a nearby police station in full riot gear on high alert.

In a speech on the afternoon of the attack, Hun Sen suggested that the leadership of the KNP might have organized the attack to put the blame on the CPP. Instead of launching a serious investigation, he called for the arrest of Sam Rainsy. However, facing resistance in the CPP and an onslaught of domestic and international outrage, he dropped the plan.

The FBI undertook an investigation into the grenade attack because a US citizen, Ron Abney, was among those wounded. The FBI concluded that Cambodian government officials were responsible for the attack, but the chief investigator, Thomas Nicoletti, was ordered out of the country by US officials before he could complete his investigation.<sup>165</sup>

On June 29, 1997, the *Washington Post* reported:

In a classified report that could pose some awkward problems for US policymakers, the FBI tentatively has pinned responsibility for the blasts, and the subsequent interference, on personal bodyguard forces employed by Hun Sen, one of Cambodia's two prime ministers, according to four US government sources familiar with its contents. The preliminary report was based on a two-month investigation by FBI agents sent here under a federal law giving the bureau jurisdiction whenever a US citizen is injured by terrorism.... The bureau says its investigation is continuing, but the agents

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<sup>165</sup> Brad Adams interview with Tom Nicoletti, December 26, 2000.

involved reportedly have complained that additional informants here are too frightened to come forward.<sup>166</sup>

While the investigation uncovered a great deal of evidence, as did investigations by the UN human rights office, the Cambodian authorities failed to cooperate. On January 9, 2000, CIA director George Tenet said the United States would never forget an act of terrorism against its citizens and would bring those responsible to justice “no matter how long it takes.” Yet the FBI investigation was abandoned and formally closed in 2005.

Rather than identifying and prosecuting the people who ordered and carried out the grenade attack, the Cambodian government has since handed out high-level promotions to two people linked by the FBI to the attack. The commander of Brigade 70 at the time, Huy Piseth, who admitted ordering the deployment of Brigade 70 forces to the scene that day, was later promoted to be a lieutenant general and undersecretary of state at the Ministry of Defense. Hing Bun Heang, deputy commander of Brigade 70 at the time, was promoted to deputy commander of the Royal Cambodian Armed Forces (RCAF) in January 2009. In a June 1997 interview with the *Phnom Penh Post*, Bun Heang threatened to kill journalists who alleged that Hun Sen’s bodyguards were involved. “Why do they accuse us without any basic evidence? We are innocent people, we were not involved in that attack. Publish this: Tell them that I want to kill them ... publish it, say that I, chief of the bodyguards, have said this. I want to kill ... I am so angry.”<sup>167</sup>

The March 30 grenade attack has cast a long shadow over Cambodian politics that remains today. The attack appears to have been intended to destroy the political opposition in Cambodia. It signaled that pluralism would be opposed by powerful people and would come at a deadly price. The attack on Sam Rainsy and his supporters remains an open wound in Cambodia, but neither the government nor Cambodia's donors have done anything to hold those responsible to account. The clear involvement of Hun Sen’s bodyguard unit in the attack and the perpetual failure to address this crime has led some to refer to March 30 as “Impunity Day” in Cambodia.

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<sup>166</sup> R. Jeffrey Smith, “FBI Points Finger in Cambodian Attack,” *Washington Post* Staff Writer, June 29, 1997, p.A20, <http://www.garella.com/rich/grenpost.htm> (accessed October 31, 2012).

<sup>167</sup> “Grenade suspect talk of the town,” *The Phnom Penh Post*, June 3-16, 1997, p 3.

## VII. Hun Sen's July 1997 Coup and Extrajudicial Executions

The period after the grenade attack was tumultuous. Hun Sen employed his well-honed divide and rule tactics to gain a majority in the National Assembly by offering bribes to and making threats against FUNCINPEC members. One faction of FUNCINPEC led by a former Hun Sen confidante during the PRK, Ung Phan, announced that it was splitting from the party and would support the CPP. In the end, however, Hun Sen failed to entice enough FUNCINEPC members to vote Ranariddh out as first prime minister. In the face of Hun Sen's moves, Ranariddh and Sam Rainsy strengthened their pre-election alliance, posing a grave threat to the CPP's chances in upcoming elections in 1998.

On July 5, 1997, Second Prime Minister Hun Sen launched what the United Nations described as a coup d'état against First Prime Minister Norodom Ranariddh and his FUNCINPEC party. According to the Special Representative of the Secretary-General for Human Rights in Cambodia, Thomas Hammarberg:

I strongly condemn the violent coup d'état of 5-6 July which has displaced the lawfully-elected government of Cambodia. The overthrow of First Prime Minister Prince Norodom Ranariddh by armed force violates the Cambodian Constitution and international law and overturns the will of the Cambodian people in the 1993 UN-sponsored election. In that poll approximately 90 percent of eligible voters courageously turned out in the face of widespread intimidation and violence to choose a new government.

As the Special Representative of the Secretary-General for Human Rights in Cambodia, I am particularly concerned about the large loss of life and injury in the current violence. The use of mortars, artillery and other heavy weapons in urban areas displayed a callous disregard for the lives and safety of the civilian population.

I am also concerned about the atmosphere of fear and intimidation which now prevails in Cambodia. Few people believe that it is safe to express their views publicly. The offices and residences of Prince Ranariddh, of FUNCINPEC and Khmer Nation Party officials have been attacked and looted by soldiers



and police. Immediate steps to restore discipline over all armed forces must also be taken to end the current wave of looting of civilian property.

The safety of all members of the National Assembly, members of opposition political parties, human rights workers and journalists must be protected. No person should be arrested because of their political views. Any persons arrested or detained since the beginning of this action must be fully accounted for and held only in legally-established places of detention. The United Nations, ICRC and other relevant agencies should have full access to all places of detention.

The events of recent days violate the fundamental right of the Cambodian people to choose its government in a democratic fashion. I call on the de facto authorities to reverse this illegal action. The First Prime Minister Prince Norodom Ranariddh must be allowed to reassume his office with full respect for his personal security. No members of the National Assembly should be expelled because they hold different political views.

If the current National Assembly is destroyed through unlawful and violent means, it will be difficult and perhaps impossible for the next national elections scheduled for May 1998 to have any meaning or legitimacy. Finally, I strongly urge the 18 signatory countries of the Paris Peace Agreements to convene an urgent meeting to discuss these very distressing events. Democratically elected institutions and respect for human rights must be re-established.<sup>168</sup>

The coup was the culmination of months of tension between FUNCINPEC and the CPP. In April Hun Sen attempted to bribe and intimidate FUNCINPEC members of parliament to replace Ranariddh as party leader and first prime minister, but failed to obtain enough defectors to succeed. Armed clashes between forces loyal to each party in Battambang province in February and in Phnom Penh in June created a crisis atmosphere. In the days

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<sup>168</sup> Statement by Ambassador Thomas Hammarberg, Special Representative of the Secretary-General of the United Nations for Human Rights in Cambodia, Office of the High Commissioner of Human Rights, July 9, 1997, [http://cambodia.ohchr.org/WebDOCS/DocStatements/1997/Statement\\_09071997E.pdf](http://cambodia.ohchr.org/WebDOCS/DocStatements/1997/Statement_09071997E.pdf) (accessed October 31, 2012)

before the coup, forces loyal to Hun Sen disarmed large numbers of Ranariddh's bodyguards and threatened his remaining forces with arrest if they did not surrender. On July 4, Ranariddh fled to Paris on the advice of his security team, who said they could no longer protect him.

The Chea Sim and Sar Kheng faction of the CPP, including Armed Forces Chief Ke Kim Yan, opposed the coup. But Hun Sen used factions of the army, his private bodyguard unit, which numbered in the thousands, the French-created and trained gendarmerie police, and Khmer Rouge defectors to carry out the coup. After fierce fighting in Phnom Penh, the coup succeeded by the end of July 6.

The coup was followed by a wave of extrajudicial killings, cremations of unidentified bodies under suspicious circumstances, torture, and arbitrary detentions by Hun Sen's forces. Most of the victims were members of FUNCINPEC's security forces, who appeared to have been singled out for attack. A report on August 22, 1997, by the UN human rights office in Cambodia documented 41 and "possibly up to 60 politically-motivated extrajudicial executions" after the coup.<sup>169</sup> Hammarberg later said that there were dozens of other instances of summary killings, murders and disappearances after the coup.

A few cases illustrate the pattern. Gen. Chao Sambath and Gen. Kroch Yoeum were senior FUNCINPEC military officers. According to the UN:

Gen. Chao Sambath was captured along with Gen. Kroch Yoeum and about thirty of their subordinates on 8 July 1997. ... They were captured after being surrounded by the soldiers of paratrooper commando Regiment 911. Eyewitnesses confirmed that there was no exchange of fire during the capture.... Gen. Chao Sambath and Gen. Kroch Yoeum were separated from the group and held in a separate building where the officers of Regiment 911 were staying ... orders were issued by the RCAF General Staff to execute the two officers ... they were executed with three bullets each in the head.<sup>170</sup>

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<sup>169</sup> Cambodia Office of the United Nations Centre for Human Rights, "Memorandum to the Royal Government of Cambodia: Evidence of Summary Executions, torture and missing persons since 2-7 July 1997," 21 August 1997, p.2, [http://cambodia.ohchr.org/WebDOCS/DocStatements/1997/Statement\\_21081997E.pdf](http://cambodia.ohchr.org/WebDOCS/DocStatements/1997/Statement_21081997E.pdf) (accessed October 31, 2012).

<sup>170</sup> Ibid., p.9.

The government never responded to requests to investigate these deaths, instead resorting to outlandish claims. On July 9, General Prum Din, the commander of the Special Military Region, said that Chao Sambath had committed suicide “by biting his tongue.”<sup>171</sup>

Kroch Yoeum’s body was exhumed by the UN in the presence of his wife on October 15, 1997, in Udong district. According to the UN, “His legs were tied. A bullet and two casings were found in the grave.... A group of armed soldiers from the local military threatened the group and attempted to stop the exhumation.” The naked body of Chao Sambath was exhumed by the UN in his family’s presence on October 28, 1997, from a nearby grave. His body showed signs of torture.<sup>172</sup>

After the coup human rights investigators learned of the location of a number of shallow graves. With no in-country forensics capacity, they often had to dig up the bodies so the families of missing persons could find out what had happened to their loved ones. Victims were found stripped of all clothes except their shorts, handcuffed and blindfolded, with one or more bullets in the head. One such case was Lt. Col. Sao Sophal. He was arrested on July 8, 1997, along with approximately 35 FUNCINPEC soldiers and taken to the base of Regiment 911 at Kambol, just outside Phnom Penh. Sao Sophal’s body was exhumed on July 18, stripped to his underwear, hands tied behind his back, with bullet wounds to his head.<sup>173</sup>

UN human rights investigators documented the torture of detainees at the 911 base. Many were forced to drink from the same swamp into which they urinated and defecated. The torture was breathtaking. According to a UN report:

The torture involved beatings with a belt, the wooden leg of a table, a wooden plank, kicking with combat boots and the knees, punches in the face and the body and blows to the blade of the upper part of the nose with the edge of the hand. It also involved death threats, by pointing the end of a gun against the head and threatening to shoot. An iron vice was also used

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<sup>171</sup> Ibid.

<sup>172</sup> UN High Commissioner for Human Rights, “Grenade attack in Phnom Penh 30 March 1997 and Extrajudicial executions 2-7 July 1997: An assessment of the investigations,” May 13, 1998, pages 5-6.

<sup>173</sup> Cambodia Office of the United Nations Centre for Human Rights, “Memorandum to the Royal Government of Cambodia: Evidence of Summary Executions, torture and missing persons since 2-7 July 1997,” August 21, 1997, pp.12-13, [http://cambodia.ohchr.org/WebDOCs/DocStatements/1997/Statement\\_21081997E.pdf](http://cambodia.ohchr.org/WebDOCs/DocStatements/1997/Statement_21081997E.pdf) (accessed October 31, 2012).



on several detainees, to squeeze their fingers or hands until they responded satisfactorily.

They were tortured to obtain intelligence, extract confessions and make them sign a statement of guilt prepared on a standard model. They were forced to provide biographical details about their military life, their political affiliation and connections; to admit that there was a plan underway by the FUNCINPEC to conspire against the CPP; to confess that they were Khmer Rouge soldiers brought from Pailin or Anlong Veng; to provide lists of names of all senior and other officers they knew were present in Tang Krasang military barracks at the time of the attack on 5-6 July 1997; and to confess that they had been brought to Phnom Penh to fight Hun Sen.

The detainees realized quickly that their interrogators were not interested in finding the truth but wanted solely to obtain certain responses. As one of them explained, in words echoed by several others: “They asked me whether I was a Khmer Rouge from Pailin or Anlong Veng. If I responded that I was not a Khmer Rouge, then they beat me up. So I had to admit to avoid being beaten. They also asked me what was the purpose of the war we were pursuing and who did we want to kill. The expected response was ‘Hun Sen’. The more you resisted the more you would be tortured.” One of them described his experience of torture with the iron vice:

They first inserted by thumbs laterally between the jaws of the vice and began to screw it on. They asked whether it hurt. I said yes. Then they screwed it on further. It was very painful. Until I answered to their questions with a lie. If you kept resisting, they would insert both of your hands, side to side, vertically between the jaws of the vice. With this method they could obtain 100% positive answers.

A detainee undergoing interrogation saw another detainee who did not belong to his group being interrogated in the room next to his. The interrogators forced the man’s head in a bucket of water until he fainted and defecated on himself. Ten days after their release,

several of the tortured detainees still had clear marks of blows on the back, shoulders, and arms. Photographs were taken.<sup>174</sup>

After the coup, a UN team went to Kambol to investigate. The commander of Regiment 911, Chap Pheakedei, denied then admitted to the UN of having detained the group, but then disclaimed any knowledge of what happened to them. When the UN team heard the voice of a person locked in the same wooden storage hut in which Sao Sophal had been held, Chap Pheakedei denied his presence. UN staff refused to leave until the man was released. While waiting, Pheakedei's forces were overheard referring to the UN staff on their hand-held radios, asking, "Should we fry these fish?" The response was, "These fish are too big to fry." Only when the head of the gendarmerie, Sao Sokha, arrived, was the detainee released. The man refused to discuss his treatment, but the UN monitored his safe return to his home province of Siem Reap.

Regiment 911 has been accused of frequent involvement in serious human rights abuses, including extrajudicial killings, since the 1997 coup. Chap Pheakedei is still its commander and has been promoted to the rank of general. He is considered one of Hun Sen's most loyal commanders and is a member of the CPP Central Committee.<sup>175</sup>

One of the most notorious cases was the execution of Ho Sok, FUNCINPEC secretary of state in the Ministry of Interior. He had been the head of Ranariddh's personal bodyguard unit at the Thai border and was one of the most senior FUNCINPEC security officials. In April 1997, he came into open conflict with Hun Sen after announcing that a court was preparing a case of drug trafficking against Mong Reththy, a close business supporter of Hun Sen and the CPP. Hun Sen responded that anyone who tried to arrest Reththy would have to "wear a steel helmet."<sup>176</sup>

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<sup>174</sup> Ibid.

<sup>175</sup> On October 18, 2012, Chap Pheakedei wrote a letter of condolence to King Norodom Sihamoni on the death of King Norodom Sihanouk in which he identifies himself as, "Commander of Special Parachute Brigade 911" of the RCAF Supreme Command, with the rank of full General. "I Would Like to Prostrate Myself Before His Majesty Norodom Sihamoni, King of Cambodia" (Soum Krap Bangkum Tuol Thvay Preah Karuna Preah Bat Samdech Preah Boromaneat Norodom Sihamoni Preah Mahakhsat ney Preah Reachanachak Kampuchea).

<sup>176</sup> Human Rights Watch, Cambodia – Aftermath of the Coup, 1997; Thayer, 'Drug Suspects Bankroll Cambodian Coup Leader; Narcotics Traffic Booms as Loans, Gifts Flow', *Washington Post*, July 22 1997.

Ho Sok had other enemies. Multiple Ministry of Interior sources reported that he and National Police Chief Hok Lundy had been partners in illegal business deals but by 1997 had fallen out. This came to a head on June 17, 1997, when forces loyal to Ho Sok and Hok Lundy engaged in a firefight in central Phnom Penh that rocked the coalition government and killed two. A rocket-propelled grenade landed in the backyard of the US ambassador's residence.

After the coup began, Ho Sok and other FUNCINPEC officials sneaked into and hid at the residence of the Singaporean ambassador. Ho Sok was arrested on July 7 while trying to escape Phnom Penh. Col. Mao Dara told UN investigators that he had taken Ho Sok into custody and then took him to the Ministry of Interior.<sup>177</sup>

Ho Sok was interrogated and then left in a room with two unarmed police officers at the Ministry of Interior building that houses the Central Department of the Judicial Police. According to ministry officials, an unidentified man burst into the room and shot Ho Sok dead.<sup>178</sup> Officials admitted that 50 to 60 soldiers were outside the building at the time. They claimed that after shooting Ho Sok, the assailant ran 200-250 meters, climbed over the high ministry walls, and escaped.<sup>179</sup> Ho Sok's body was reportedly cremated in the middle of the next night, July 8, at a local Buddhist temple.<sup>180</sup> As with Chao Sambath, the authorities initially claimed that Ho Sok had committed suicide in custody. However, the government later claimed that he had been shot dead by people "who were angry with him."<sup>181</sup>

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<sup>177</sup> UN High Commissioner for Human Rights, "Grenade attack in Phnom Penh, March 30, 1997, and Extrajudicial executions, 2-7 July 1997, an assessment of the investigations," May 13, 1998.

<sup>178</sup> Ho Sok is not the only person who has been killed with impunity inside the Ministry of Interior. In January 2003 a young man, Prach Sitha, was arrested, brought to the Ministry of Interior and beaten to death by a police officer. The National Police denied that any crime was committed and no one was arrested. See Human Rights Watch, *Cambodia: Aftermath of the Coup*, New York: Human Rights Watch, 1998, Footnote 16: Joe Cochrane and Saing Soenthrith, "Fears FUNCINPEC Death was 'Execution,'" *Cambodia Daily*, July 9, 1997; and Human Rights Watch, *Cambodia: 1997 Grenade Attack on Opposition Still Unpunished*, news release, March 30, 2009.

<sup>179</sup> UN High Commissioner for Human Rights, "Grenade attack in Phnom Penh 30 March 1997 and Extrajudicial executions 2-7 July 1997: An assessment of the investigations," May 13, 1998, pp.10-12.

<sup>180</sup> Cambodia Office of the UN Centre for Human Rights, "Memorandum to the Royal Government of Cambodia: Evidence of Summary Executions, torture and missing persons since 2-7 July 1997," August 21, 1997, p.8.

<sup>181</sup> Seth Mydans, "Cambodia Victors Kill Off Losers, Raising the Specter of a Civil War," *The New York Times*, <http://www.nytimes.com/1997/07/09/world/cambodia-victors-kill-off-losers-raising-the-specter-of-a-civil-war.html> (accessed October 31, 2012).



Police Generals Thong Lim, Ma Chhoeun, and Than Im were initially suspended for negligence in failing to ensure Ho Sok's security.<sup>182</sup> However, at the request of National Police Chief Hok Lundy, all three were reinstated in September 1997. Minister of Interior Sar Kheng reportedly said that the identity of the killer was known, but no progress has ever been made in holding anyone to account for the killing.<sup>183</sup>

A non-political victim of the coup was Dok Sokhun, also known as Michael Senior. A Khmer-Canadian journalist who taught English in Phnom Penh, he was shot dead on July 7 after he had taken photographs of government soldiers looting houses near Phnom Penh's Au Russei market. According to the UN, "he was first shot in the leg by a soldier who took his camera. Another soldier then executed him with three bullets. His wife was an eyewitness to the murder."<sup>184</sup> No action was taken in this case, despite the presence of many witnesses.

In 1998 the United Nations high commissioner for human rights appointed two experts, Arun Bhagat of India and Peter Burns of Canada, to assess the investigations conducted by the authorities. The two experts concluded in a May 1998 report that none of the cases had been seriously investigated and that a culture of impunity for political homicide seemed deeply imbedded in state institutions. They emphasized that the situation was only likely to change if there was a will do so at the highest levels of government.<sup>185</sup>

Hun Sen's intentions about undertaking serious investigations into coup-related abuses were made clear on January 23, 1998, when he met UN High Commissioner for Human Rights Mary Robinson. At the meeting and later to the media Hun Sen introduced four

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<sup>182</sup> Cambodia Office of the UN Centre for Human Rights, "Memorandum to the Royal Government of Cambodia: Evidence of Summary Executions, torture and missing persons since 2-7 July 1997," August 21, 1997. For further information on the killing of Hor Sok, see "Kingdom of Cambodia: Hor Sok," Amnesty International, March 1998, <http://www.amnesty.org/en/library/asset/ASA23/006/1998/en/d30ff791-dafe-11dd-903e-e1f5d1f8bceb/asa230061998en.pdf> (accessed January 10, 2015); and UN High Commissioner for Human Rights, "Grenade attack in Phnom Penh 30 March 1997 and Extrajudicial executions 2-7 July 1997: An assessment of the investigations," May 13, 1998.

<sup>183</sup> "The Fallen and the Free: Killing After Unresolved Killing, Impunity and Violence Reign", *The Cambodia Daily*, November 1-2, 2003.

<sup>184</sup> UN General Assembly, "Situation of human rights in Cambodia, in accordance with General Assembly resolution 50/200 of 22 December 1995," A/52/489, October 17, 1997, <http://www.unhcr.org/refworld/docid/3ae6af264.html>, para. 84 (accessed April 4, 2012).

<sup>185</sup> UN High Commissioner for Human Rights, "Grenade attack in Phnom Penh 30 March 1997 and Extrajudicial executions 2-7 July 1997: An assessment of the investigations," May 13, 1998, pp.13, 16.

people whom he claimed the UN had erroneously listed as killed in its reports. Three of the men, Chin Vannak, So Lay Sak, and Ang Borith, had not been listed in UN reports. The fourth was Chao Khong, a person whom the UN had indeed had listed as having been killed. What Hun Sen did not say, however, was that Khong's two brothers, Chao Keang, a 25-year-old "protégé" of Chao Sambath, and Chao Tea, 29, had been executed after the coup: the UN had simply confused the name of the living brother with his murdered siblings. Chao Keang "had a bullet hole in the right temple, was handcuffed and blindfolded," while the body of Chao Tea "bore a bullet hole in the left side of the chest and in the right side of the stomach. He was also handcuffed and blindfolded."<sup>186</sup> After the meeting with Mary Robinson, who had acceded to Hun Sen's demand that she attend without UN special representative Thomas Hammarberg, Hammarberg issued a strong rebuttal to Hun Sen's claims.<sup>187</sup>

The killings sent opposition politicians and activists into exile in fear for their lives. Most politicians returned under a deal brokered by Japan, the United States, and the UN to participate in elections in July 1998. The elections were violent and fundamentally flawed. Hun Sen and the CPP gained a majority in the National Assembly and Hun Sen was named sole prime minister. The coup and the elections that followed allowed Hun Sen to consolidate power. He has ruled virtually unchallenged within his party or by the opposition ever since.

In a letter to OHCHR in 1999, the Ministry of Interior stated that police had submitted case files to the courts for action in seven different cases.<sup>188</sup> However, no information has been made public in any of these cases and Human Rights Watch is unaware of any successful criminal prosecutions in connection with human rights abuses related to the coup or its aftermath. Ho Sok is the only person that the government has admitted was killed while in its custody during or after the coup. Despite initial assurances from Hun Sen that his killing and those of others identified by the UN would be seriously investigated and those responsible brought to justice, no action was taken.

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<sup>186</sup> Cambodia Office of the United Nations Centre for Human Rights, "Memorandum to the Royal Government of Cambodia: Evidence of Summary Executions, torture and missing persons since 2-7 July 1997," August 21, 1997, p.14.

<sup>187</sup> Statement by the Special Representative of the Secretary-General for Human Rights in Cambodia, Ambassador Thomas Hammarberg, January 23, 1998.

<sup>188</sup> Ministry of Interior, General Department, No. 136, May 18, 1999.

## VIII. Hun Sen, Attacks on the Opposition, and the Land Crisis

Hun Sen's 1997 coup was carried out in part to ensure election victory for the CPP in the 1998 national elections. FUNCINPEC and the eponymous Sam Rainsy Party (SRP) had formed an alliance that was in a position to win the first election since the UNTAC period.

The coup and the ensuing extrajudicial killings, threats against opposition party members, and the exile for safety of the leadership of both parties gave the CPP a massive advantage over its competitors. With control of election institutions, the courts, the Constitutional Council, and the media, and employing widespread violence and intimidation, the CPP claimed a small majority in the National Assembly after July 1998 elections that were neither free nor fair. Hun Sen achieved his goal of resuming the position of sole prime minister after FUNCINPEC, under intense pressure, ended its boycott of the National Assembly in November 1999 and agreed to form a coalition government as a junior partner. The CPP remained in control of the army, gendarmerie, police, courts and treasury.

There were hopes at the time that as the now singular "strongman" in the country, Hun Sen might change the way he governed. Senior party members suggested he would now focus more on economics, development, and the rule of law and spend less time finding ways to attack the opposition, critics and civil society. During 1999, for instance, freedom of assembly was better respected and there were fewer attacks on journalists than in previous years. However, the SRP, which came in third in the elections, remained in vocal opposition to Hun Sen and the CPP and continued to be the target of violent repression. For instance, party activist Chhum Doeun was assassinated in March 1999.<sup>189</sup> CPP-controlled courts filed politically motivated prosecutions against SRP members on trumped-up charges of attempting to kill the prime minister.<sup>190</sup> There was also a substantial increase in confrontations between people protesting illegal land-grabbing by powerful business interests linked to Hun Sen and security forces under his command, especially the gendarmerie, which by law answers directly to the prime minister.<sup>191</sup> This

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<sup>189</sup> Human Rights Watch, *World Report 2000* (New York: Human Rights Watch, 2000) Cambodia.

<sup>190</sup> Human Rights Watch interview with Cambodian judicial officers, Phnom Penh, September 23, 2014.

<sup>191</sup> RGC Council of Ministers, Sub-Decree 09 ANKr, 22 February 1994.



would become a constant theme until the present, as land grabs became more and more brazen, soon turning into a crisis for many poor communities.<sup>192</sup>

The assault against the SRP intensified in 2000 during the initial stages of the run-up to local elections for commune councils, with the killing of grassroots SRP organizer Chim Chhuon in February, accompanied by death threats against other SRP figures both in the countryside and in Phnom Penh, where a CPP-orchestrated mob also attacked the party's headquarters. Land conflicts expanded, especially in ethnic minority areas, despite declarations by Hun Sen that indigenous people's land rights should be protected.<sup>193</sup> The situation worsened after the commune council elections were scheduled for February 2002.

During 2001 and up to voting day, 15 SRP and other opposition candidates or activists were killed. Human rights monitors recorded more than 80 incidents of political threats and violence, mostly directed at the SRP. Hun Sen reacted by criticizing the monitors, suggesting they were biased against CPP. He also failed to stem the growing tide of illegal land-grabbing by government officials and security force officers, which human rights monitors estimated was adversely affecting tens of thousands of Cambodians.<sup>194</sup>

Although the CPP swept the commune elections, which the opposition alleged were rigged, political violence continued in the run-up to the National Assembly elections of July 2003, with at least seven suspicious killings of SRP figures.<sup>195</sup> In addition, Om Radsady, a senior advisor to FUNCINPEC leader Prince Ranariddh, was shot dead in Phnom Penh on February 18, 2003. He was killed during what was supposedly a robbery, but under circumstances highly suggestive of a political assassination intended to intimidate FUNCINPEC and the SRP. At the time of his death, he was assisting another FUNCINPEC leader with a lawsuit against Hun Sen.<sup>196</sup>

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<sup>192</sup> "2014 Brings a New Wave of Cambodian Land Conflicts," *LICADHO* Statement, April 1, 2014, <http://www.licadho-cambodia.org/pressrelease.php?perm=342> (accessed January 10, 2015).

<sup>193</sup> Human Rights Watch, *World Report 2001* (New York: Human Rights Watch, 2001), Cambodia.

<sup>194</sup> Human Rights Watch, *World Report 2002* (New York: Human Rights Watch, 2002), Cambodia; Human Rights Watch, *World Report 2003* (New York: Human Rights Watch, 2003), Cambodia.

<sup>195</sup> Human Rights Watch, *World Report 2003*.

<sup>196</sup> Human Rights Watch, *"Tell Them That I Want to Kill Them": Two Decades of Impunity in Hun Sen's Cambodia* (New York: Human Rights Watch, November 2012), pp.50-52.

The 2003 CPP election campaign was again led by Hun Sen. It was accompanied by a flurry of prosecutions or threatened prosecutions of opposition media figures and human rights activists for “defamation” in connection with their reporting on alleged official corruption and human rights abuses.<sup>197</sup>

Although the election process was denounced by European Union and other monitors, the CPP claimed victory with an increased majority. When FUNCINPEC and SRP contested the CPP claim of a major victory in the July 2003 ballot and both initially refused Hun Sen’s offer of a tripartite coalition government under his continued leadership, more political violence followed. In October 2003, the deputy editor of a pro-FUNCINPEC radio station which had recently been publicly criticized by Hun Sen and a popular singer affiliated with FUNCINPEC were killed. Five more political activists were murdered in January 2004, including prominent trade union leader Chea Vichea, who was closely associated with the SRP.

These attacks were accompanied by an expansion of security force suppression of strikes and enforcement of a ban on public demonstrations. The ban had initially been imposed in January 2003 after anti-Thai demonstrations precipitated by anti-Thai remarks made by Hun Sen descended into riots and the burning down of the Thai embassy (the embassy was across the street from the national police headquarters and the Ministry of Interior, but Cambodian security forces stood by and failed to intervene until many hours after the violence started). The ban was arbitrarily maintained thereafter to prevent not only opposition party and trade union activities, but also the growing tide of land rights protests in the capital and countryside. One result was that during 2004 the authorities banned, dispersed, or intervened during at least 16 public demonstrations in Phnom Penh, sometimes using unnecessary or excessive force.<sup>198</sup>

After a year of claiming fraud and refusing to take up its seats in the National Assembly, FUNCINPEC, bombarded by a combination of CPP threats and inducements, agreed to a coalition government under Hun Sen’s sole leadership. The party effectively ceased to operate as an opposition force, while the then relatively small SRP, which came in second in the popular vote, remained alone in the opposition camp.<sup>199</sup> In 2005, Hun Sen launched

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<sup>197</sup> Human Rights Watch, *World Report 2003*.

<sup>198</sup> Human Rights Watch, *World Report 2005* (New York: Human Rights Watch, 2005), Cambodia.

<sup>199</sup> Steve Heder, “Cambodia: Beginning or Death of Reform?,” *Southeast Asian Affairs* (Singapore: Institute of Southeast Asian Studies, 2005).

an effort to effectively dismantle the SRP opposition and cripple social activism.<sup>200</sup> The assault on the SRP began in February when the National Assembly lifted the immunity of three opposition members of parliament. SRP president Sam Rainsy and Chea Poch fled the country and remained in self-imposed exile during the year in the face of politically motivated criminal defamation suits. Cheam Channy was arrested, initially on trumped-up allegations of forming an illegal rebel army; in August 2005 he was sentenced by the National Military Court to seven years' imprisonment on equally spurious charges of organized crime and fraud. Six civil society activists critical of a controversial border treaty with Vietnam faced criminal defamation suits initiated by Hun Sen, including Rong Chhun, president of the Cambodian Independent Teachers Association, who was detained from October 2005 to January 2006.

Conflicts over land rights in 2005 went hand-in-hand with attacks against activists defending those rights. In March, police and gendarmes in Banteay Meanchey province fired into a crowd of villagers protesting forced eviction from their land, killing at least five. Charges were later dropped against the police officers who allegedly fired on the villagers. Police used excessive force in dispersing other protests in 2005, including demonstrations in June by the ethnic Phnong minority in Mondolkiri province protesting the granting of an economic land concession to a Chinese firm. Such concessions were increasingly the main way in which ordinary Cambodians lost land to which they had strong legal claims.<sup>201</sup>

In 2006, Hun Sen asked the king to pardon Sam Rainsy and other SRP figures, who resumed more subdued opposition political life in Cambodia. At the same time, some detained civil society activists were granted bail, but remained under threat of prosecution. The authorities continued to disperse or reject most requests for peaceful public demonstrations, rallies, and marches, while also threatening, attacking and arresting villagers opposed to land confiscation, logging, and concessions. Many protests went ahead without permission, though often confronted by large numbers of police and gendarmes.

In Phnom Penh, the government forcibly evicted thousands of families, claiming the land was owned by private companies or needed for public projects.<sup>202</sup> With the opposition at

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<sup>200</sup> Academic's interview with Nhek Bunchhay, Phnom Penh, August 10, 2006.

<sup>201</sup> Human Rights Watch, *World Report 2006* (New York: Human Rights Watch, 2006), Cambodia.

<sup>202</sup> Human Rights Watch, *World Report 2007* (New York: Human Rights Watch, 2007), Cambodia.



bay, more political killings followed in 2007, including trade unionist Hy Vuthy and Buddhist monk Eang Sok Thoeun. Hun Sen failed to implement a public pledge made in March to dismiss CPP members involved in land grabs. Instead, the security forces carried out new, violent evictions. In November soldiers and police shot dead two unarmed villagers during the expulsion of 317 families from contested land in Preah Vihear province. Also in 2007, the government formulated a new law to restrict the exercise of the right to freedom of peaceful assembly, which required organizers to give authorities five days' notice of gatherings, making organizers responsible for any misconduct that might occur.<sup>203</sup>

All this set the stage for National Assembly elections in July 2008. Again found by international observers, including the European Union, to be neither free nor fair, they resulted in a CPP claim of victory by a wide majority, which confirmed Hun Sen would continue as prime minister. The SRP became the largest and most important opposition party in the National Assembly, with FUNCINPEC all but disappearing as a relevant political force. In the years after this election, the country saw a surge of illegal land concessions awarded to foreign firms, government officials, and those with connections to government officials.<sup>204</sup>

In 2009, Hun Sen launched a new offensive against the SRP. Criminal defamation, disinformation, and incitement lawsuits were filed against party leader Sam Rainsy, SRP parliamentarians Mu Sochua and Ho Vann, and SRP youth activist Soung Sophorn. Sam Rainsy opted to go into exile rather than face imprisonment; he was sentenced *in absentia* to 11 years. Hun Sen also pressed defamation charges against the lawyer defending SRP cases, spurring the lawyer's withdrawal from the cases in July. As a result, Mu Sochua lacked legal counsel during her July 2009 trial, in which she was found guilty of defaming the prime minister and ordered to pay US\$4,100 in fines and compensation.

Soaring real estate prices, development projects, and illegal land concessions spurred more forced evictions. In January 2009 police used teargas and water cannons to forcibly evict 400 families from Dey Kraham community in Phnom Penh. In March police opened fire on unarmed farmers protesting confiscation of their land in Siem Reap province, seriously wounding four villagers. In January 2010, company guards and marine troops

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<sup>203</sup> Human Rights Watch, *World Report 2008* (New York: Human Rights Watch, 2008), Cambodia.

<sup>204</sup> Human Rights Watch, *World Report 2009* (New York: Human Rights Watch, 2009), Cambodia.

wounded at least four people when they forcibly evicted 116 families from their land in Preah Sihanouk province slated for development by a Chinese-owned company. Also in 2010, a Singaporean concession holder partnered with Hun Sen's sister to oversee the clearing of farmland belonging to indigenous Suy people in Kampong Speu province, threatening the resource base of 350 families. Authorities continued to arrest community activists protesting forced evictions and land grabbing, often on unfounded charges, such that more than 60 people were imprisoned or awaiting trial during 2009 for their involvement in land conflicts.<sup>205</sup>

Against this background, the CPP in 2012 began active preparations for the next round of National Assembly elections, set for July 2013. There was a surge in violence involving state security forces amidst increasing land-taking by powerful business and security interests. Labor unrest grew due to dissatisfaction with an economic policy that continued to rely heavily on state authorities' often-corrupt promotion of unbridled foreign investment, especially via granting economic and other land concessions, which continued despite the government's May 2012 announcement of a moratorium under domestic and donor pressure.

In April 2012, noted environmental activist Chhut Wutthy was shot dead after military police and company security guards stopped him from documenting illegal logging activities in Koh Kong province in southwestern Cambodia. Although the exact circumstances of his death remain unclear, a trial in the case appeared designed to shield those responsible for his death and further conceal their unlawful businesses. The killing had a chilling effect on efforts by others to uncover similar activities.<sup>206</sup>

In May 2012, security force gunfire killed Heng Chantha, a 14-year-old girl, during a government military operation against villagers in Kratie province in northeastern Cambodia. Villagers were protesting the allegedly illegal seizure of their land by a foreign concessionaire. Instead of launching a criminal investigation into security force conduct, Hun Sen accused protesters of organizing a "secessionist movement," forcing some of the protest leaders into exile.

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<sup>205</sup> Human Rights Watch, *World Report 2010* (New York: Human Rights Watch, 2010), Cambodia. Human Rights Watch, *World Report 2011* (New York: Human Rights Watch, 2011), Cambodia.

<sup>206</sup> Human Rights Watch, *"Tell Them That I Want to Kill Them"*: pp.58-63.

Also in May 2012, the court sentenced 13 women, including a 72-year-old, to two-and-a-half years in prison for involvement in a campaign protesting evictions and demanding proper resettlement for people displaced by a development project owned by a Hun Sen crony and a Chinese investor in Phnom Penh's Boeng Kak area. Under domestic and international pressure, an appeal court released the 13 in June 2012, but upheld their convictions.<sup>207</sup>

Two weeks ahead of the July 28, 2013 elections, Hun Sen arranged for a pardon for Sam Rainsy. Although a court rejected his attempt to be on the ballot, Rainsy's return to the country injected new life into the campaign of his Cambodia National Rescue Party (CNRP), which had united his SRP with another opposition group to contest CPP control.

The CPP-controlled National Election Committee announced a narrow win for the CPP in the 2013 election. The process was again widely condemned as neither free nor fair by domestic and international monitoring groups. The outcome was affected by CPP control of the state media, security forces, and all election management bodies, which had produced a voter list marred by CPP-orchestrated fraud and other irregularities.

After the NEC announced that the CPP had won 68 seats to the CNRP's 55, the CNRP, claiming the election had been stolen by fraud, declared it was boycotting the National Assembly. The CPP rejected calls for an independent investigation of the alleged fraud, while the army, gendarmerie, and police proclaimed their support for the CPP victory and Hun Sen's continuation as prime minister. Hun Sen then ordered a massive deployment of troops and police in Phnom Penh and elsewhere in an attempt to prevent demonstrations related to the elections and rising calls for him to step down. A security force lockdown of Phnom Penh on September 15, 2013 was accompanied by excessive force against protesters, killing one person and injuring approximately two dozen others. On September 20 and 22, security force operations broke up small peaceful protest vigils in Phnom Penh, on the second occasion deliberately attacking human rights monitors and journalists along with protesters, injuring at least 20 people. On November 12, 2013, security forces again employed excessive force, this time while obstructing a march by striking workers, shooting and killing one person and wounding nine others.<sup>208</sup>

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<sup>207</sup> Human Rights Watch, *World Report 2013* (New York: Human Rights Watch, 2013), Cambodia.

<sup>208</sup> Human Rights Watch, *World Report 2014* (New York: Human Rights Watch, 2014), Cambodia.



This was part of an increasing confluence of CNRP and working class opposition to Hun Sen. He reacted at the beginning of January 2014 by banning all protests, including those at the government-designated Democracy Plaza in Phnom Penh, where demonstrations were supposed to be allowed. Enforcing this prohibition, gendarme, police, and para-police personnel killed at least seven people and injured dozens of others, including at a January protest by garment workers in Phnom Penh.

As part of efforts to squelch opposition, during the first 10 months of 2014, the Phnom Penh Municipal Court sentenced 55 people to prison terms after unfair trials on charges such as “treacherously plotting” to stage an armed insurrection; instigating, inciting, or perpetrating violence; obstructing traffic; or engaging in “violent resistance against a public official.” In these proceedings, no credible evidence was presented to support a guilty verdict, while evidence of security force violence was systematically excluded. Although 30 of the 55 received suspended sentences, 23 had already spent many months of pre-trial detention in an overcrowded, substandard, and isolated prison.<sup>209</sup>

On July 15, 2014, CNRP members of the National Assembly-elect and activists led a peaceful demonstration calling for the reopening of Democracy Plaza. A melee resulted when security forces attempted to violently push the protesters away. The CPP tried to blame the violence entirely on the CNRP. Security forces initially arrested seven CNRP parliamentarians they alleged were responsible, an accusation for which no evidence was produced. After the CNRP reached a political accommodation with the CPP on July 22 and the CNRP began participating in the National Assembly, these seven benefitted from parliamentary immunity from prosecution. However, 11 CNRP activists remained charged with “insurrection” despite a lack of evidence.<sup>210</sup>

At the same time, the government renewed its suppression of civil society activism, convicting 11 people arrested during peaceful protests in November 2014 to one-year prison terms on trivial, politically motivated charges of obstructing traffic and obstructing government authorities’ performance of their official duties. These prisoners include some of Cambodia’s best-known land rights defenders.<sup>211</sup>

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<sup>209</sup> Human Rights Watch, *World Report 2015* (New York: Human Rights Watch, 2015), Cambodia.

<sup>210</sup> “Cambodia: Drop ‘Insurrection’ Charges; Donors Should Demand End to Persecution of Opposition,” Human Rights Watch news release, December 22, 2014.

<sup>211</sup> “Cambodia: New Crackdown on Protesters

Illegal land-grabbing by the politically powerful and their business partners, including forcible eviction and involuntary relocation, have continued to mount. The number of people affected by state-involved land conflicts since 2000 passed the half-million mark in March 2014.<sup>212</sup> Figures compiled by the human rights organization LICADHO indicated that the number of new disputes in 2014 was three times higher than in 2013.<sup>213</sup> Many of the new disputes ensued from the failure of the authorities to distribute land titles awarded to rural residents as part of a 2012-2013 scheme personally conceived and overseen by Hun Sen. In August 2014, the prime minister blamed government subordinates for failing to resolve these disputes. While there has been a partial resolution of the grievances of victims of some long-running cases of land-grabbing, there has been no progress toward just conclusions to many hundreds of other conflicts.<sup>214</sup>

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Donors Should Press Government to Free Activists," Human Rights Watch news release, November 13, 2014.

<sup>212</sup> "2014 Brings a New Wave of Cambodian Land Conflicts," *LICADHO* Statement, April 1, 2014, <http://www.licadho-cambodia.org/pressrelease.php?perm=342> (accessed January 10, 2015).

<sup>213</sup> Human Rights Watch email correspondence with LICADHO staff, Phnom Penh, January 9, 2015.

<sup>214</sup> Human Rights Watch, *World Report 2015*.

## **IX. Hun Sen and the Subversion of the Khmer Rouge Tribunal**

Among the many ways Hun Sen has remained in power and maintained control of the country has been his control of Cambodia's courts. The courts were reestablished by the PRK in the 1980s after their abolition by the Khmer Rouge with the official purpose of serving the interests of the ruling party. This was supposed to change after the adoption of a new Constitution in 1993 at the time of the departure of UNTAC.

However, while article 109 of the 1993 Constitution states that "the judicial power shall be independent" and article 51 states that "the executive, legislative and judicial branches powers shall be separate," the CPP has simply ignored these provisions. Most judges report to the CPP, including the Chief Justice of the Supreme Court, Dith Munthy, who is a member of the CPP Standing Committee. Judges around the country are regularly called to party meetings and report to senior provincial officials as well as the Minister of Justice, who since UNTAC has been a CPP appointee. The CPP controls both the Constitutional Council and Supreme Council of Magistracy, a constitutional body set up to appoint, remove and discipline judges.

Hun Sen and the CPP have made continued control of the courts a priority for complementary reasons: to ensure they are not used against them for human rights abuses, corruption or other offenses, and to have them as a weapon when they want to attack or send a message to the opposition or critics, as they have done regularly throughout Hun Sen's 30 years as prime minister.

Hun Sen's control of the courts also allowed him to ensure that any efforts to bring members of the Khmer Rouge to justice would happen only at his discretion. Vietnam staged a show trial of the "Pol Pot-Ieng Sary clique" in 1979, but these two and other Khmer Rouge leaders were given protection in Thailand, from where they ran a guerilla war with Chinese arms and funding and tacit United States support against the PRK and the occupying Vietnamese army.



For these reasons, from 1979 until the formation of the post-UNTAC government in 1993, any discussions of internationally-backed justice for the Khmer Rouge were fruitless. Hun Sen rebuffed suggestions in 1994 by members of the CPP to take Thailand to the United Nations Security Council, apparently to maintain relations with the Thai army and to allow him to accept Khmer Rouge defectors into CPP-controlled security forces instead of prosecuting them.

As part of his efforts to outmaneuver and outgun FUNCINPEC following the 1993 elections, in August 1996 had Hun Sen orchestrated the first of several large-scale Khmer Rouge defections to the government. Winning a competition with Ranariddh, he persuaded former Khmer Rouge foreign minister Ieng Sary to surrender in exchange for a royal pardon. Pol Pot and Ieng Sary had been convicted of genocide in a 1979 PRK show trial. After initially objecting, King Sihanouk granted a pardon to Sary in September 1996.

As the CPP-FUNCINPEC rivalry intensified in early 1997, Hun Sen and Ranariddh were eager to show domestic and international audiences that each was more ardently anti-Khmer Rouge than the other. Each privately was engaged in negotiations with different Khmer Rouge factions to defect and throw their political and military support to his side. At the same time, each agreed to a United Nations initiative to bring the leaders of the Khmer Rouge to justice. To this end, on June 21, 1997, Hun Sen and Ranariddh signed a letter to the United Nations asking for its assistance to set up a court similar to the ad hoc international criminal tribunals for the former Yugoslavia and Rwanda in order to address “the issue of individual accountability” for Khmer Rouge crimes.<sup>215</sup>

Ranariddh appeared to want to end accusations that he secretly favored bringing senior Khmer Rouge leaders into a coalition with FUNCINPEC after the 1998 elections. Hun Sen’s overriding objective appeared to be to militarily neutralize FUNCINPEC and otherwise cripple it before the elections. Indeed, he used recently defected Khmer Rouge commanders and troops as shock forces to carry out his July 5, 1997 coup against Ranariddh and FUNCINPEC armed forces. Hun Sen followed this up by inviting and achieving further Khmer Rouge defections during the remainder of 1997 and the first half of

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<sup>215</sup> UN General Assembly and UN Security Council, “Annex: Letter dated 21 June 1997 from the First and Second Prime Ministers of Cambodia addressed to the Secretary-General,” A/51/930 S/1997/488, June 24, 1997.

1998. The Khmer Rouge soon engaged in infighting in which Pol Pot was arrested. In 1998, he died and the movement soon fizzled out.

Hun Sen appears to have seen UN trials of Khmer Rouge leaders as another tactic to defeat the movement. Once the movement collapsed, he appears to have lost any interest in justice and accountability. Politically, investigations and trials for Khmer Rouge crimes could risk exposing the actions he and other former Khmer Rouge in the CPP took during the Khmer Rouge period (many senior figures in the CPP were former Khmer Rouge officials and fighters while also putting at risk relationships with many recent defectors whom he felt he needed against FUNCINPEC and to end the long-running war. Thus, on December 25, 1998, Hun Sen held a champagne toast at his residence with two of the most notorious remaining senior Khmer Rouge leaders, Nuon Chea and Khieu Samphan, famously saying that Cambodia “should bury the past.”<sup>216</sup>

Hun Sen appeared to be prepared to countenance at most a trial of the last former Khmer Rouge senior leader to offer to defect, Ta Mok, who was number three in the Khmer Rouge hierarchy, after Pol Pot and Nuon Chea. Hun Sen refused to offer a pardon to Ta Mok, who was taken into custody after being handed over by the Thai authorities in March 1999. Cambodian authorities later also detained the former Khmer Rouge chief of security, Kaing Geuk Eav alias Duch, after Duch began talking to the media and the United Nations to give his version of what had happened while he worked for the Khmer Rouge, including when he ran the infamous Tuol Sleng torture and execution center; Duch accepted some responsibility for his own crimes while freely implicating others.

Meanwhile, the United Nations Commission on Human Rights had responded to the 1997 letter from Ranariddh and Hun Sen by adopting a resolution to consider establishing a justice mechanism. UN Secretary-General Kofi Annan appointed a “Group of Experts” to consider how best to fulfill the original request. The team's report, released in early March 1999, concluded that domestic trials organized under Cambodian law were not feasible and proposed instead an ad hoc international tribunal be held outside of Cambodia for crimes against humanity and genocide committed from 1975 to 1979. The experts found

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<sup>216</sup> “Cambodian Leader Resists Punishing Top Khmer Rouge,” *New York Times*, December 29, 1998, <http://www.nytimes.com/1998/12/29/world/cambodian-leader-resists-punishing-top-khmer-rouge.html> (accessed January 10, 2015).

that Cambodia's court system lacked the essential elements of fairness: a trained cadre of judges, lawyers, and investigators; adequate infrastructure; and a culture of judicial impartiality.<sup>217</sup>

Hun Sen, by now the sole prime minister, rejected the UN's recommendations, declaring that Cambodian courts were competent to conduct their own trials, saying that foreign judges and prosecutors could only participate in trials if they played a secondary role in the domestic judiciary. Hun Sen and the CPP controlled the Cambodian judiciary. Through this control Hun Sen could determine who would and would not be prosecuted and otherwise limit the scope of investigations. This was in turn resisted by the UN, but several member states, notably the United States, intervened to try to craft a compromise to ensure a majority of UN judges and an independent UN prosecutor. To ensure this outcome, Hun Sen engaged in a prolonged game of stonewalling UN negotiators, prompting a decision in 2002 by the UN to pull out of talks with his government.<sup>218</sup>

In response, the US, France, Australia and Japan prevailed on the UN to resume negotiations and make a deal acceptable to Hun Sen, who showed signs of a willingness to allow, at his discretion, Ieng Sary, Nuon Chea, Khieu Samphan, and perhaps a few other prominent Khmer Rouge figures to be tried along with Ta Mok and Duch. However, the deal Hun Sen offered ensured the courts would be under Cambodian control, with the UN playing a minority support role. In this way Hun Sen would be able to instruct Cambodian personnel at the court who could be investigated and charged. The result was a June 2003 agreement between Cambodia and the UN to focus on Khmer Rouge "senior leaders" or others "most responsible" for Khmer Rouge crimes. The UN signed under significant pressure from UN member states, expressing concerns "that once the Chambers were established, the Government would interfere in the proceedings in ways that would compromise the trials and the Cambodian people's hope for justice, and besmirch the reputation of the Organization [the UN]."<sup>219</sup>

The chief UN negotiator at the time, Hans Corell, has written that the UN was being put in the situation of assisting a court set up in such a manner that it "would fall short of

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<sup>217</sup> "Report of the Group of Experts for Cambodia Pursuant to General Assembly Resolution 52/135," A/53/850-S/1999/231, March 16, 1999. You should have original source

<sup>218</sup> "Cambodia: Tribunal Must Meet International Standards," Human Rights Watch news release, February 13, 2002.

<sup>219</sup> Hans Corell, "Note to the Secretary-General, Subject: Trial of Khmer Rouge leaders - What now?," February 11, 2002, p.2.



international standards of independence, impartiality, and objectivity,” which “would fail to provide victims of the Khmer Rouge with the credible justice they deserved” and UN affiliation with which would “set a precedent for lowering international standards.”<sup>220</sup> Or, as he put it at the official signing ceremony, the conclusion of this treaty marked only “the end of one phase in the effort to bring the leaders of the Khmer Rouge to justice,” reiterating that this referred to both “senior leaders” and others “who were most responsible” for Khmer Rouge atrocities, and stressing this goal would be achieved only “if the political will is there.”<sup>221</sup>

Since 2003, conclusive evidence of the lack of the necessary political will on the part of Hun Sen and his government to allow an independent, impartial and fair tribunal has mounted. Among the serious flaws in the set-up of the Extraordinary Chambers in the Courts of Cambodia (ECCC), the most important was the numerical domination of the ECCC by majorities of Hun Sen-approved Cambodian judges in all three of the court’s chambers: Pre-Trial, Trial and Supreme Court, leaving the minority of UN secretary-general-nominated judges on these benches embedded in a still government-controlled Cambodian judiciary. Second, the supposed corrective counter-weight to this situation, the “super-majority” formula according to which some categories of judicial decisions required at least one more vote than a majority, has proved far from sufficient to guarantee ECCC independence.<sup>222</sup> Third, the embedding of the ECCC in the Cambodian judiciary has provided additional opportunities for obstructionism, such as by Cambodian officials assigned to the court administration. Inherent in the structure of the court is another fundamental flaw: any failure on the part of a UN judge, UN prosecutor or important UN

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<sup>220</sup> Hans Corell, “Forward” to Luc Reydam, et al., eds., *International Prosecutors* (Oxford: Oxford University Press, 2012).

<sup>221</sup> “Statement by Mr. Hans Corell, Under-Secretary-General for Legal Affairs, the Legal Counsel of the United Nations, on the occasion of the signature of the Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea Phnom Penh, 6 June 2003.”

<sup>222</sup> Indeed, in many contexts, a super-majority has been necessary for a positive judicial decision, which means that a simple majority of Cambodian judges is determinative. This has provided ample opportunities to counter-act the negative super-majority mechanism that, conversely, means the court’s Pre-Trial Chamber requires the vote of at least one international judge sitting on that bench in order to directly block investigations by the UN-selected jurists in the ECCC’s two other key components: the Office of the Co-Prosecutors and the Office of the Co-Investigating Judges. These two offices, each co-headed by one Hun Sen-approved Cambodian and one UN-selected international, have investigatory powers according to a civil law system in which the prosecution initiates preliminary investigations for submission to the investigating judges, who are legally obliged to conduct full investigations of the alleged facts and are responsible for concluding whether or not there is sufficient evidence to indict suspects for trial. If the two Co-Prosecutors disagree about who to send to the Co-Investigating Judges for full investigation or the Co-Investigating Judges disagree about whom to indict for trial, the dispute is to be adjudicated by the Pre-Trial Chamber as described above.

staffer to stand up scrupulously for international standards creates openings for government interference to prevail, such that the integrity of the tribunal can only be as strong as that of its weakest international member. Finally, as the Group of Experts predicted, as the ECCC is located in Cambodia, UN personnel enjoy no police powers beyond investigation. Only Cambodian police can arrest suspects.<sup>223</sup>

Even at time of signing the agreement with Hun Sen, the UN was concerned that he would use the same delaying tactics he had employed in negotiating the draft agreement. The UN foresaw that such foot-dragging in combination with the convoluted structure meant the ECCC would be a “monster court ... unable to produce a final judgment” since it was likely that key figures among the accused would die before that happened, given their already advanced age. This would make it inevitable the ECCC would be “extremely costly” and more costly than comparable undertakings in terms of actual achievements.<sup>224</sup>

All of this has been borne out by events. Government foot-dragging delayed the actual opening of ECCC proceedings until June 2006, shortly after which Ta Mok died. Hun Sen appointees to the court then prolonged negotiations to establish the court’s internal working rules, further delaying the start of proceedings.<sup>225</sup> In 2007, Hun Sen allowed the arrest of Ieng Sary, Nuon Chea, Khieu Samphan and Ieng Thirith (Sary’s wife, who was the Khmer Rouge-era minister of social action), who joined Duch in ECCC detention. As Duch continued to admit some if not all of his crimes, he was sent for trial before the others in what was designated ECCC Case 001. He was duly convicted in July 2010 of crimes against humanity and war crimes.<sup>226</sup> In February 2012, he was sentenced to life in prison.

The slow pace of investigations into the cases of Ieng Sary, Nuon Chea, Khieu Samphan and Ieng Thirith meant that it was only in September 2010 that they were indicted for trial on charges of genocide, crimes against humanity, and war crimes in what was designated ECCC Case 002. However, in November 2011, Ieng Thirith was ruled unfit for trial due to

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<sup>223</sup> Human Rights Watch, *Serious Flaws: Why the U.N. General Assembly Should Require Changes to the Draft Khmer Rouge Tribunal Agreement*, April 30, 2003.

<sup>224</sup> Hans Corell, “Cambodia: Why did the SG decide to withdraw from the negotiations?,” February 20, 2012.

<sup>225</sup> “Cambodia: Government Interferes in Khmer Rouge Tribunal” Human Rights Watch news release, December 6, 2006.

<sup>226</sup> “Cambodia: Tribunal’s First Step in Search for Justice,” Human Rights Watch news release, July 26, 2010.



worsening dementia and released. Ieng Sary died in hospital detention while on trial in March 2013.<sup>227</sup>

The result is that among senior Khmer Rouge leaders only Nuon Chea and Khieu Samphan have stood trial. A first trial of them for crimes against humanity in connection with the Khmer Rouge forced relocations of Cambodians from urban to rural areas and around the countryside in 1975-77 and related executions of former Khmer Republic officials resulted in their conviction in August 2014. Both have appealed.<sup>228</sup> A second trial of the two on other charges (Case 002/02), including genocide, only began in late 2014 and may well not finish before they die.

From the beginning, Hun Sen, his appointees at the ECCC and other Cambodian government authorities have made it clear they would allow no more people to be put on trial, regardless of the evidence, doing so by either outright objection or non-cooperation with any such move.<sup>229</sup> Hun Sen personally reiterated this position in May 2008 and conveyed this to key Cambodian personnel at the court via Deputy Prime Minister Sok An, who added that if the UN attempted to push ahead against Hun Sen's wishes, the government would simply use the intervention mechanisms at its disposal to block this.<sup>230</sup>

In November 2008, international prosecutor Robert Petit proposed investigations into five additional suspects in November 2008, including two former commanders of Khmer Rouge armed forces divisions, Sou Met and Meas Mut, and three former Khmer Rouge local party bosses, Aom An, Im Chem and Yim Tit, all of whom had defected to the CPP in the mid-1990s. However, Petit's Cambodian counterpart, Chea Leang, rejected this Petit's proposal. While Petit said there said there was reason to believe each had committed genocide, crimes against humanity or war crimes,<sup>231</sup> Leang replied that the ECCC was required to

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<sup>227</sup> "Cambodia: Ieng Sary Death Shows Khmer Rouge Court Failings" Human Rights Watch news release, March 14, 2013.

<sup>228</sup> "Cambodia: Khmer Rouge Convictions 'Too Little, Too Late'" Human Rights Watch news release, August 8, 2014.

<sup>229</sup> Open Society Justice Initiative (OSJI), "Weekly report for Week ending September 21, 2007;" OSJI "Report for week ending April 11, 2008."

<sup>230</sup> OSJI, "Report for week ending May 30, 2008;" OSJI, "Update on significant issues related to independence and funding of the ECCC, May 29, 2008."

<sup>231</sup> ECCC, Office of the Co-Prosecutors, "Statement of the Co-Prosecutors," December 8, 2009; ECCC, Office of the Co-Prosecutors, "Statement of the Co-Prosecutors," January 5, 2009; ECCC, Office of the Co-Prosecutors, "Press Statement of the International Co-Prosecutor," April 24, 2009; ECCC, Pre-Trial Chamber, "Public Redacted Version: Considerations of the Pre-Trial Chamber Regarding the Disagreement Between the Co-Prosecutors Pursuant to Internal Rule 71," August 18, 2009; ECCC Office of the Co-Prosecutors, "Acting International Co-Prosecutor requests investigation of additional suspects," September 2, 2009.



engage in only “selective prosecutions” in accordance with the government’s policies for promoting “national unity, reconciliation, stability, security and peace” in Cambodia. She explained this gave her prosecutorial discretion to refuse to deal with additional cases, regardless of what crimes they might have committed.<sup>232</sup> In March 2009, Hun Sen publicly reiterated his “absolute stand” against prosecutions going beyond the five suspects then already in custody.<sup>233</sup>

Nevertheless, in June 2010, then international investigating judge Marcel Lemonde attempted to launch preliminary judicial investigations into the additional suspects, with Sou Met and Meas Mut designated as Case 003 and Aom An, Im Chem, and Yim Tit designated as Case 004. He did so without the cooperation of his Cambodian counterpart, You Bunleng.<sup>234</sup> However, Lemonde resigned in September 2010, and in October, Hun Sen again stated his opposition. He told UN Secretary-General Ban Ki-moon he would not let the UN go beyond convicting the suspects he had slated for prosecution. Reporting on the meeting, Cambodian Deputy Prime Minister and Foreign Minister Hor Namhong stated that Hun Sen “clearly affirmed” that no further cases would be allowed,<sup>235</sup> specifying that “successful convictions will finish with case two.”<sup>236</sup> This was followed by the declaration of Minister of Information Khieu Kanharith that if UN international jurists or staff wanted “to go into Case 003 or Case 004,” they should instead “just pack their bags and return home.”<sup>237</sup> The government-appointed deputy co-prosecutor echoed these statements by pronouncing that “there will be no Case 003 and 004.”<sup>238</sup>

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<sup>232</sup> ECCC, Office of the Co-Prosecutors, “Statement of the Co-Prosecutors,” December 8, 2009; ECCC, Office of the Co-Prosecutors, “Statement of the Co-Prosecutors,” January 5, 2009; ECCC, Office of the Co-Prosecutors, “Press Statement of the International Co-Prosecutor,” April 24, 2009; ECCC, Pre-Trial Chamber, “Public Redacted Version: Considerations of the Pre-Trial Chamber Regarding the Disagreement Between the Co-Prosecutors Pursuant to Internal Rule 71,” August 18, 2009; ECCC, Office of the Co-Prosecutors, “Acting International Co-Prosecutor requests investigation of additional suspects,” September 2, 2009.

<sup>233</sup> “Cambodia: Government’s stand against prosecution of more Khmer Rouge leaders shows its true colours,” Statement by the Asian Human Rights Commission, April 7, 2009, <http://khmernz.blogspot.com.au/2009/04/cambodia-governments-stand-against.html> (accessed January 10, 2015).

<sup>234</sup> ECCC, “Decision and Referral to the Supreme Council of the Magistracy on the Judicial Misconduct of National Co-Investigating Judge You Bunleng” (D29/2), May 4, 2012, pp.23-24; ECCC, Office of the Co-Prosecutors, “International Co-Prosecutors Disclosure to the Trial Chamber Regarding Interviews of Case 002 Witnesses in Cases 003 and 004 with Strictly Confidential Annex A” (E127), October 6, 2011.

<sup>235</sup> “Hun Sen to Ban Ki-moon: Case 002 Last Trial at ECCC,” *Phnom Penh Post*, October 27, 2010.

<sup>236</sup> Douglas Gillison, “Justice Denied,” *Foreign Policy*, November 23, 2011, [http://www.foreignpolicy.com/articles/2011/11/23/cambodia\\_court\\_justice\\_khmer\\_rouge](http://www.foreignpolicy.com/articles/2011/11/23/cambodia_court_justice_khmer_rouge) (accessed January 10, 2015).

<sup>237</sup> “Prosecutor Speaks Out,” *Phnom Penh Post*, May 10, 2011.

<sup>238</sup> “Prosecutor Says Tribunal Lacks Money, Time,” *Cambodia Daily*, 1 March 18, 2011.

Lemonde's replacement as international investigating judge, Siegfried Blunk, proved amenable to Hun Sen's position, but was forced from office by his own UN staff and an international outcry against his behavior.<sup>239</sup> His successor, Laurent Kasper-Ansermet, tried starting in November 2011 to resume investigations, but found himself blocked at almost every turn. He resigned in May 2012, announcing publicly that his work had been obstructed for manifestly political reasons by a "highly hostile environment" that "severely impeded" the day-to-day performance of his duties. He specified that there was reason to believe that this blockage included "serious interference" in both Cases 003 and 004 by You Bunleng and his Cambodian staff.<sup>240</sup> In another statement, he characterized You Bunleng's behavior as having clearly violated "all principles of independence, impartiality and integrity" for judges.<sup>241</sup>

The most recent international investigating judge, Mark Harmon, has continued the effort to investigate Cases 003 and 004. However, case 003 suspect Sou Met died in June 2013. As Harmon has continued to operate without the cooperation of You Bunleng and the latter's Cambodian staff, there seems little or no prospect that any of the remaining suspects will ever be brought to trial. While many other mass killers of the Khmer Rouge remain alive and live openly in Cambodia, there is no prospect of the ECCC ever following evidence to charge any other suspects.

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<sup>239</sup> "Cambodia: Judges Investigating Khmer Rouge Crimes Should Resign," Human Rights Watch news release, October 3..

<sup>240</sup> ECCC, "Press Release by the Reserve International Co-Investigating Judge," May 4, 2012.

<sup>241</sup> ECCC, Office of the Co-Investigating Judges, "Decision and Referral to the Supreme Council of the Magistracy on the Judicial Misconduct of National Co-Investigating Judge You Bunleng" (D29/2), May 4, 2012, pp.23-24.

## **Acknowledgements**

This report was researched and written by Brad Adams, director for the Asia Division at Human Rights Watch. Additional research and writing was provided by Human Rights Watch staff. James Ross, legal and policy director, and Joseph Saunders, deputy program director, provided legal and program reviews. Production assistance was provided by Storm Tiv, associate with the Asia division; Grace Choi, director of publications; Kathy Mills, publications specialist; and Fitzroy Hepkins, administrative manager.



## 30 YEARS OF HUN SEN

### Violence, Repression, and Corruption in Cambodia

Born in a small rural village in 1952, Hun Sen has been a Khmer Rouge commander, the world's youngest foreign minister, and, as of January 14, 2015, prime minister of Cambodia for 30 years. During that time he has presided over a one-party state, death squads, attacks on opponents, and a kleptocracy that has enriched himself and numerous associates in business, the government and security forces.

*30 Years of Hun Sen: Violence, Repression, and Corruption in Cambodia* describes Hun Sen's early life in Kompong Cham province; his decision to join the Khmer Rouge after the ouster of Prince Norodom Sihanouk in 1970; his role as a Khmer Rouge commander in areas in which crimes against humanity were committed; his responsibility as prime minister for forced labor and systematic imprisonment of dissidents in the 1980s and death squads during the United Nations peacekeeping mission in 1992-93; the role of his personal bodyguard unit in the deadly March 30, 1997 grenade attack on opposition leader Sam Rainsy; his bloody coup of July 5-6, 1997 and its aftermath, in which over 100 opposition party members were summarily executed; and the repression and corruption of the past decade during which opposition activists, trade union leaders, and journalists have been killed, while a land crisis affecting the urban and rural poor has affected hundreds of thousands of Cambodians.

The report calls on donors and the wider international community to support Cambodians who struggle for free and fair elections, the rule of law, an end to corruption and land grabs, and respect for basic rights such as freedom of expression, association, and assembly.



*Cambodian Co-Prime Minister Hun Sen gestures during a news conference in Phnom Penh on July 10, 1997 during which he denied staging a coup against Co-Prime Minister Prince Norodom Ranariddh. More than 100 opposition party members were executed after the coup, for which no one was ever prosecuted.*

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# EXHIBIT 7



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## ‘Death of democracy’: CNRP dissolved by Supreme Court ruling

BY BEN SOKHEAN, MECH DARA AND ANANTH BALIGA

FRIDAY, 17 NOVEMBER 2017



Former CNRP leader Sam Rainsy (centre right) raises his arm with opposition leader Kem Sokha (centre left) as they greet supporters along a street in Phnom Penh in 2013. AFP

The Supreme Court on Thursday ruled to dissolve the Cambodia National Rescue Party, removing the only existing electoral threat to Prime Minister Hun Sen's grip on power in the Kingdom and undoing in one stroke the opposition's gains over the last five years.

After a five-hour trial and two hours of deliberation, presiding judge and senior Cambodian People's Party official Dith Munty announced the verdict just after 5pm Thursday evening, ordering the disbanding of the CNRP and banning 118 of its senior officials from any political activity in the Kingdom for five years, effective immediately.



Munty made sure to announce that the court's decision was final and that there could be no appeal.

The hearing was a one-sided event, with the CNRP declining to send legal representation – a move Munty cited as a confession of guilt.

Based on a complaint filed by the Ministry of Interior last month, the case relied on a single narrative – that the CNRP was attempting to overthrow the government through a so-called “colour revolution” aided by the United States.



Opposition leader Kem Sokha escorted by police officials following his midnight arrest in Phnom Penh in September. AFP

The alleged conspiracy came to the fore after the midnight arrest of Sokha from his residence in Phnom Penh on September 3, after which he was taken to a prison along the Vietnamese border in Thong Khmum province and charged with “treason”. Controversial amendments to the Law on Political Parties rammed through by the CPP in July paved the way for the ruling, making it illegal for a party to associate with a convicted criminal or to conspire with individuals “against the interest of the Kingdom of Cambodia”.

A slew of changes hastily made to electoral laws last month now means that the CNRP's existing elected positions at all levels – 55 seats in the National Assembly and 489 commune chief positions – will be distributed to other political entities, a move the party equated to theft.

“It is a robbing of the people's will, and the parties who take these seats – they are a part of the conspiracy to rob,” a CNRP statement reads.

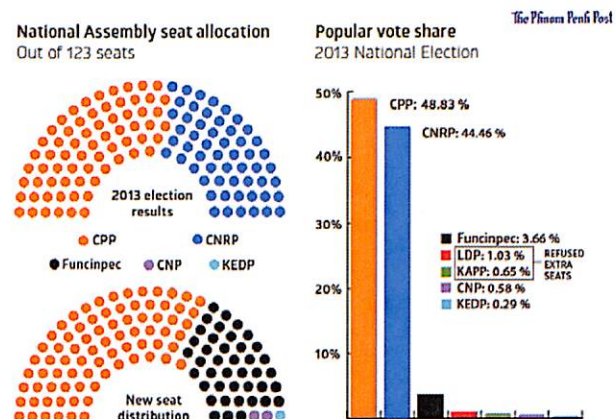
“The CNRP absolutely does not acknowledge the Supreme Court decision and still considers itself a legitimate party.”

CNRP spokesman Yim Sovann said the decision was the “end of democracy” in Cambodia, while party lawmaker Mao Monyvann called it a “political crisis”.

CNRP Deputy President Mu Sochua criticised the decision but predicted a democratic change would still come about.

“Today the Supreme Court gave a blow to democracy but not a fatal one, as the democratic movement for change inside and outside Cambodia will be glued together stronger than ever,” she said. “We will remain the proud elected representatives of our people at local and national levels.”

Sochua also called on international donors to “take the most needed step” of targeted sanctions against ruling party figures. “Change will only come through free, fair and



inclusive elections.”

International and regional organisations were also quick to decry the Supreme Court’s decision.

Human Rights Watch’s Phil Robertson called it the “death of democracy” and “a political killing of the Paris Peace Accords”, while the International Commission of Jurists labelled the ruling a “human rights and rule of law crisis”.

The ASEAN Parliamentarians for Human Rights, meanwhile, said Cambodia was now ushering in a “new era of de facto one-party rule”.

Prime Minister Hun Sen took to television yesterday evening to deliver a statement in support of the high court’s decision, insisting it was based soundly on the principle of “rule of law”, and asking citizens to remain calm and go about their business as usual.

“I would like to tell international friends that we are enforcing our own law,” he said, while warning the international community not to commit the same errors it had in the past, like supporting the Lon Nol regime and, later, recognising the Khmer Rouge.

He maintained that the end of the CNRP did not undo Cambodia’s constitutionally mandated multiparty political system.

“The government will commit to protecting the multi-party democracy process, and the approaching election will be arranged by the [National Election Committee], which is an independent unit,” he said.

The premier spent the majority of the address once again asking CNRP elected officials to defect to his Cambodian People’s Party, [repeating an offer](#) that they could retain their seats under the ruling party and extending the deadline for jumping ship by two more weeks. As of today, fewer than 200 of some 6,000 opposition officials have joined the ruling party.

“All the members and activists of the CNRP, except a few whose rights were suspended by the Supreme Court, still have their freedoms,” Hun Sen said.

Thursday’s proceedings were held inside of a heavy security cordon around the Supreme Court, and movement from the provinces to the capital was restricted, with authorities around the country monitoring local CNRP elected officials. Before the hearing, journalists and observers were stymied by police barricades around the Supreme Court before eventually being allowed to enter the court around half an hour before the start of the hearing.

Former *Cambodia Daily* journalist Len Leng was detained and questioned for nearly three hours at the Chaktomuk commune police station for allegedly not having a press pass as she observed the proceedings outside the court. This was despite a statement made by Phnom Penh Municipal Police Chief Chhoun Sovann earlier in the day that the trial was open to the public and security arrangements were only to protect from “terrorism issues”.

“People can go to the court and listen to a public trial and hearing. It was harassment and a threat to citizens,” Leng said after her release.





Former Cambodia Daily reporter Len Leng escorted by officials yesterday. Hong Menea

Among the evidence presented in court were two videos from 2013 that have been pointed to repeatedly – of party leader Kem Sokha saying he received US training and of former head Sam Rainsy calling on the armed forces to turn their guns on the government.

A number of the civil society groups were also named by the lawyers as facilitators of an alleged revolution. Lawyer Ly Chanthola called US-funded broadcaster Radio Free Asia an “assistant” and election monitor Comfrel as “fellow colluder”.

He then took aim at Pa Nguon Teang, executive director at the Cambodian Center for Independent Media; Vorn Pao, president of local union IDEA; the Cambodian Center for Human Rights and Australian filmmaker James Ricketson, who is currently arrested on espionage charges.

Lawyer Ky Tech informed the court that the CNRP had mounted a “lotus revolution” when they protested the 2013 elections results – a reference to similarly named non-violent mass demonstrations in Eastern Europe.



Lawyer Ky Tech speaks outside the Supreme Court on Thursday. Pha Lina

“Cambodia is under many attempts to do ‘colour revolution’ by the CNRP, by colluding with foreigners and cooperating with local and international NGOs,” he told the nine-judge panel.

The government has buttressed its accusations against the CNRP with assertions the party was aided by the US in trying to overthrow the government – an allegation denied by its local embassy in Phnom Penh.



As evidence, Tech referred to a speech made by US President Donald Trump last year calling for an end to American attempts to topple foreign governments.

"It shows that the US is behind the toppling of many governments," he said.

Lawyer Sonn Chuoy, meanwhile, pointed out numerous meetings held by senior CNRP officials with US State Department and Congressional members, like Senators Ted Cruz and John McCain, and Representative Alan Lowenthal. The Embassy had not released a statement as of press time.

Kingsley Abbott, the ICJ's Senior International Legal Adviser for Southeast Asia, said Munty's presence on the bench, given his affiliations to the CPP's internal workings, raised serious doubts about the independence of the court. Munty is a member of the ruling party's permanent committee and has been a long-time adviser to the premier since before he took office.

"It makes a mockery of fair justice to have someone in a leadership position within one political party sit in judgment on the conduct of that party's main opposition. There can be no starker example of an inherent conflict of interest," Abbott said.

Late Thursday evening, the enormity of the Supreme Court's decision was not lost on the capital's residents.

"For the upcoming election, I think it is meaningless because there is only one side, therefore who can [people] vote for?" said 21-year-old Sok Sophorn.

"Our country, law and power is in his [Hun Sen's] hands. Everything belongs to him and if he orders them to go left, they go left and when he orders them right, they go right."

Lim San, 55, from Kandal province's Kien Svay district, was unable to hold back her tears, vowing to continue her support of the now-dissolved party.

"The one who dissolved [the CNRP] is not good," she said, standing at a barricade on Sihanouk Boulevard as the sun set on the capital. "Next year, I won't go to vote because I don't know who I should vote for."

*Additional reporting by Chhay Channyda, Phak Seangly, Kong Meta, Leonie Kijewski*



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# EXHIBIT 8

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Statements & Releases

## Statement by the Press Secretary on Setbacks to Democracy in Cambodia

[Foreign Policy](#)

Issued on: November 16, 2017

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The United States expresses grave concern about the Cambodian government's dissolution of the country's main opposition party, the Cambodia National Rescue Party (CNRP), based on meritless and politicized allegations that it participated in a conspiracy to overthrow the government. It is becoming increasingly evident to the world that the Cambodian government's restrictions on civil society, suppression of the press, and banning of more than 100 opposition leaders from political activities have significantly set back Cambodia's democratic development and placed its economic growth and international standing at risk.

The United States will take concrete steps to respond to the Cambodian government's deeply regrettable actions. As a first step, we will terminate support for the Cambodian National Election Committee and its administration of the upcoming 2018 national election. On current course next year's election will not be legitimate, free, or fair.

The Cambodian government still has time to reverse course. We call on the Royal Government of Cambodia to undo its recent actions against the CNRP, release imprisoned CNRP leader Kem Sokha, and allow opposition parties, civil society, and the media to maintain their legitimate activities.



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# EXHIBIT 9

# CONGRESS.GOV

**S.Res.279 - A resolution reaffirming the commitment of the United States to promote democracy, human rights, and the rule of law in Cambodia.**

115th Congress (2017-2018)

**Sponsor:** [Sen. McCain, John \(R-AZ\)](#) (Introduced 10/03/2017)

**Committees:** Senate - Foreign Relations

**Latest Action:** Senate - 11/16/2017 Resolution agreed to in Senate with an amendment and an amended preamble by Unanimous Consent. ([All Actions](#))

**Tracker:** Introduced **Agreed to in Senate**

Summary (0) **Text (3)** Actions (8) Titles (1) Amendments (1) Cosponsors (5) Committees (1) Related Bills (0)

**Shown Here:**

Agreed to Senate (11/16/2017)

115TH CONGRESS  
1ST SESSION

## S. RES. 279

Reaffirming the commitment of the United States to promote democracy, human rights, and the rule of law in Cambodia.

### IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2017

Mr. MCCAIN (for himself, Mr. DURBIN, Mr. RUBIO, Ms. WARREN, Mr. CRUZ, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on Foreign Relations

NOVEMBER 1, 2017

Reported by Mr. CORKER, with an amendment and an amendment to the preamble

NOVEMBER 16, 2017

Considered, amended, and agreed to with an amended preamble

## RESOLUTION

Reaffirming the commitment of the United States to promote democracy, human rights, and the rule of law in Cambodia.

Whereas Prime Minister Hun Sen has been in power in Cambodia since 1985 and is the longest-serving leader in Southeast Asia;

Whereas the Paris Peace Accords in 1991 provided a vital framework, supported by the international community, intended to help Cambodia undertake a transition to democracy, including through elections and multiparty government;

Whereas the United States Government, for more than 25 years, has provided hundreds of millions of dollars in development aid and other types of assistance to the people of Cambodia and funded work in areas including civil society, capacity building for nongovernmental organizations (NGOs), global health, and the Khmer Rouge Tribunal;

Whereas despite decades of international attention and assistance to promote a pluralistic, multi-party democratic system in Cambodia, the Government of Cambodia continues to be undemocratically dominated by the ruling Cambodia People's Party (CPP), which controls every agency and security apparatus of the state;



- Whereas the leadership of Cambodia's security forces, including all of its top military and police commanders, sit on the Central Committee of the Politburo of the CPP;
- Whereas the CPP controls Cambodia's parliament and can pass legislation without any opposition, and has often passed laws that benefit its rule and weaken the capacity of the opposition to challenge it;
- Whereas each of the five elections that have taken place in Cambodia since 1991 were not conducted in circumstances that were free and fair, and each were marked by fraud, intimidation, violence, and the government's misuse of legal mechanisms to weaken opposition candidates and parties;
- Whereas in 2015, the CPP-controlled parliament passed the "Law on Associations and Non-Governmental Organizations", known as LANGO, which gave the government sweeping powers to revoke the registration of NGOs found to be operating with a political bias in a blatant attempt to restrict the legitimate work of civil society;
- Whereas since the passage of LANGO, the Interior Ministry has announced that it was surveilling several civil society organizations and their employees for allegedly aiding Cambodia's opposition party, the Cambodia National Rescue Party (CNRP);
- Whereas the National Democratic Institute (NDI), the International Republican Institute (IRI), and other nongovernmental organizations that advance United States policy objectives abroad have a long history in Cambodia and respect unique cultural, historical, and religious differences when promoting policies, engaging local partners, and building capacity for civil society, democracy, and good governance;
- Whereas, on August 23, 2017, Cambodia's Ministry of Foreign Affairs ordered the closure of NDI and the expulsion of its foreign staff on allegations that it had violated LANGO and was conspiring against Prime Minister Hun Sen;
- Whereas, on September 15, 2017, Prime Minister Hun Sen called for the withdrawal of all volunteers from the United States Peace Corps, which has operated in Cambodia since 2006 with 500 United States volunteers providing English language and healthcare training;
- Whereas the Government of Cambodia in 2016 arrested four senior staff members of the Cambodian Human Rights and Development Association (ADHOC), as well as a former ADHOC staff member and official on the National Election Committee (NEC), and held them in pre-trial detention for 427 days until released on bail on June 29, 2017, in the wake of sustained international pressure;
- Whereas the Government of Cambodia arrested activist and women's rights defender Tep Vanny in August 2016 and has kept her in prison for over a year;
- Whereas the prominent Cambodian political commentator Kem Ley was assassinated on July 10, 2016, five days after a senior Cambodian general publicly called on

the Cambodian Armed Forces to “eliminate and dispose of” anyone “fomenting social turmoil” in Cambodia;

Whereas Kem Ley had been a frequent critic of Prime Minister Hun Sen, fueling concerns that his killing was politically motivated and ordered by higher authorities;

Whereas the Government of Cambodia has taken several measures to restrict its media environment, including imposing a tax bill amounting to millions of dollars levied against independent media outlets that resulted in the closure of independent newspaper The Cambodian Daily in early September 2017;

Whereas the Government of Cambodia has ordered several radio stations to stop the broadcasting of Radio Free Asia and Voice of America;

Whereas the next general election in Cambodia is scheduled for July 29, 2018, and the CPP continues to use intimidation and misuse of legal mechanisms to weaken political opposition and media organizations in order to retain its power;

Whereas the Cambodian parliament in 2017 passed two repressive amendments to Cambodia's Law on Political Parties that allow authorities to dissolve political parties and ban party leaders from political activity, and which contain numerous restrictions tailored to create obstacles for opposition parties in an attempt to maintain the CPP's hold on power;

Whereas Kem Sokha, the President of CNRP, was arrested on September 3, 2017, and charged with treason and conspiring with the United States Government to overthrow the Government of Cambodia, and if convicted faces up to 30 years in prison, which sets the stage for the CNRP to be dissolved;

Whereas the United States Embassy in Cambodia has publicly called for the immediate release of Mr. Sokha and the removal of restrictions on civil society;

Whereas the CNRP's previous leader, Sam Rainsy, remains in exile due to an outstanding warrant for his arrest in a politically motivated criminal case;

Whereas Human Rights Watch reported that local elections held in Cambodia on June 4, 2017, took place in a “threatening environment hostile to free speech and genuine political participation, leading to elections that were neither free nor fair”;

Whereas international election monitoring groups reported fundamental flaws in the electoral process and violations of Cambodia's election campaign rules during June's local election;

Whereas the Interior Ministry of Cambodia demanded that two election-monitoring organizations cease their activities just months after the local elections for allegedly violating the LANGO law, which will allow the CPP to continue to increase restrictions on election monitoring as the 2018 national elections approach;

Whereas despite irregularities in the electoral process, the CNRP made significant gains in local elections compared to previous cycles, making clear that national elections in 2018, if they are conducted freely and fairly, will be tightly contested; and

Whereas national elections in 2018 will be closely watched to ensure openness and fairness, and to monitor whether all political parties and civil society groups are allowed to freely participate: Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms the commitment of the United States to promote democracy, human rights, and the rule of law in Cambodia;

(2) condemns all forms of political violence in Cambodia, and urges the cessation of ongoing human rights violations;

(3) urges Prime Minister Hun Sen and the Cambodian People's Party to end all harassment and intimidation of Cambodia's opposition and foster an environment where democracy can thrive and flourish;

(4) urges the Department of the Treasury, in consultation with the Department of State, to consider placing all senior Cambodian government officials implicated in the abuses noted above on the Specially Designated Nationals (SDN) list;

(5) urges the Government of Cambodia to free Mr. Kem Sokha immediately and unconditionally;

(6) calls on the Government of Cambodia to respect freedom of the press and the rights of its citizens to freely assemble, protest, and speak out against the government; and

(7) supports electoral reform efforts in Cambodia and free and fair elections in 2018 monitored by international observers.

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# EXHIBIT 10

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## Woman who accused Hun Sen of Kem Ley assassination on Facebook sentenced

Niem Chheng | Publication date 11 January 2018 | 17:46 ICT

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Officials escort Hin Vansreyppov out of the Ministry of Interior, where she was questioned before being sent to court in July 2017 for allegedly accusing Prime Minister Hun Sen of killing political analyst Kem Ley in a video posted on Facebook. Heng Chivoan

A woman who accused Prime Minister Hun Sen of having ordered the assassination of popular political analyst Kem Ley was sentenced to a year in prison today for "incitement to commit a felony".

On July 9, 2017, the eve of the one-year anniversary of the brazen daylight murder of Ley, Hin Vansreyppov uploaded a video to Facebook in which she accused the premier of orchestrating the assassination.

"The crimes are punishable according to articles 494 and 495 of the Criminal Code," Judge Y Thavrak read from the judgement yesterday.

Article 494 defines incitement as speech, writing or audio-visual means of any kind, either pronounced in public or distributed publicly. Article 495 is defined as "incitement to commit a felony or disturb social security", and carries a sentence of six months to two years, even "if the incitement was

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ineffective". Authorities have never specified what felony Vansreypov is accused of inciting.

She was also fined 1 million riel (about \$250).

"The accused has the right to file an appeal in accordance with the law," the judge added.


During her trial, Vansreypov admitted that she had accused Hun Sen of being involved in Ley's murder, but said she did so in retaliation for personal criticism from ruling party supporters.

She said she would not file an appeal.

Ley, an outspoken critic of Hun Sen's government, was murdered by a former soldier over an alleged outstanding debt. The motive was widely questioned, however, including by the murderer's own wife, and many observers have suspected government involvement.

Political analyst Kim Sok is currently serving time over similar comments, and former opposition leader Sam Rainsy was also hit with a 20-month sentence for making the same suggestion in March, one of a host of convictions he has avoided while living in exile in France.



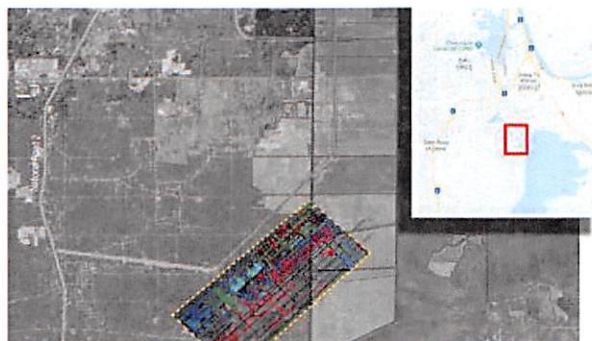
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## RECOMMENDED STORIES



### Breaking: PM says prominent human rights NGO 'must close'

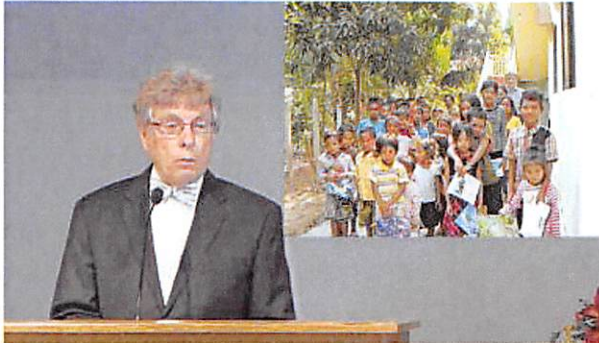
Prime Minister Hun Sen has instructed the Interior Ministry to investigate the Cambodian Center for Human Rights (CCHR) and potentially close it "because they follow foreigners", appearing to link the rights group to the opposition Cambodia National Rescue Party's purported "revolution". The CNRP - the





## Government approves plan to relocate Phnom Penh's airport

The government has signed off on a proposal to build a new airport to serve Phnom Penh and has earmarked land in Kandal province for the \$1.5 billion project. A new international airport to replace the existing Phnom Penh International Airport will be constructed on partially



## American convicted of raping boy, 10, in Siem Reap

A 79-year-old American man was sentenced to one year in prison for raping a 10-year-old boy by Siem Reap Provincial Court on Wednesday. John Paul Zollbrecht, of Washington state, was sentenced to one year in prison while a Cambodian man who helped facilitate the abuse, 23



## PM derides talk of government affairs, hinting phone records could reveal all

Prime Minister Hun Sen on Sunday night told Cambodia's starlets to either name their high-profile government lovers or keep quiet, telling a room full of journalists he did not want to be tarred with the same brush. Addressing more than 3,400 people at the second

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## What a Facebook experiment did to news in Cambodia

By Ben Paviour

Phnom Penh

🕒 31 October 2017



Until recently, video blogger Catherine Harry was a Facebook success story in Cambodia. Her page, A Dose of Cath, featured a series of outspoken first person videos on taboo topics like virginity and menstruation that never got airtime on TV.

Then, on 19 October, **Facebook tweaked its News Feed in Cambodia and five other small countries**. Instead of seeing posts from Facebook pages in their general News Feed, users in the test had to go to a new section called Explore Feed to see the content. And so when Ms Harry posted a new video on Facebook on Saturday, just 2,000 of her fans saw it in the first hour, compared to about 12,000 who normally watched.

"Suddenly I realised, wow, they actually hold so much power," she said. Facebook "can crush us just like that if they want to".

Ms Harry, who quit her job to focus on vlogging, isn't just worried about her livelihood. Cambodia is in the throes of its most severe government crackdown in years ahead of a national election next July that could test the durability of Prime Minister Hun Sen, one of the longest-serving heads of government in the world.

The crackdown has already claimed two NGOs, more than a dozen radio stations, and the local offices of two independent media outlets, Radio Free Asia and The Cambodia Daily. Hun Sen's main opposition, the Cambodian National Rescue Party (CNRP), could be dissolved entirely at a Supreme Court hearing on 16 November.

"Out of all the countries in the world, why Cambodia?" Ms Harry asks of Facebook's experiment. "This couldn't have come at a worse time."

- **Opposition leader: 'I don't feel safe in Cambodia'**
- **Facebook's News Feed experiment panics publishers**

Facebook surpassed TV as Cambodians' most popular source of news last year, according to **a survey from the Asia Foundation**, with roughly half of respondents saying they used the social media network.

The platform helped power the CNRP's gains against the governing Cambodian People's Party (CPP) in the 2013 national elections and has been one of the only places for dissent in a country ranked 132nd out of 180 countries in Reporters Without Borders' **2017 World Press Freedom Index**.

With most mainstream traditional media aligned with the CPP, Facebook's test could mean that locals only get a skewed version of the day's news, said Von Vorn, a 30-year-old tuk-tuk driver.

"It's like a frog in a pond," he said. "If the frog is in the pond, it won't know anything about the world - just the pond."





Facebook's popularity has not been lost on Hun Sen, who has amassed almost nine million followers with a mix of seaside selfies, state news and singing contests, and **whose page was ranked by global public relations firm Burson-Marsteller as the eighth most popular of any world leader.**

Hun Sen's longtime rival, Sam Rainsy, the exiled former president of the CNRP who runs a popular page of his own, said his traffic had dipped 20% since the start of the Facebook test. Unlike the prime minister, whom he accused of buying Facebook supporters from foreign "click farms", Mr Rainsy said he could not pay to sponsor his posts to put them in front of more users in their usual News Feeds.

"Facebook's latest initiative would possibly give an even stronger competitive edge to authoritarian and corrupt politicians," he said.

- **Cambodia PM tells critics to pay up, or pack up**
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Facebook did not respond to requests for comment. But in **a blog post last week**, Adam Mosseri, the platform's head of News Feed, said the changes were made "to understand if people prefer to have separate places for personal and public content". The platform had no plans to expand the test globally, he said.

Cambodian publishers of all stripes said they were frustrated by the unannounced changes.

Leang Phannara, web editor for Post Khmer, the Khmer-language version of independent English daily the Phnom Penh Post, said Khmer Facebook posts were reaching 45% fewer people, while web traffic was down 35%. The only way to recapture that audience was to pay to sponsor posts, he said.

"It's a pay-to-play scenario," Mr Phannara said.





Lim Cheavutha, CEO of the stridently pro-government online outlet Fresh News, was upset by changes he said had eaten into his traffic, though he did not have numbers to hand.

"I absolutely do not support this new [Facebook] policy," he said. "It affects not only my company, but also all other media."

Local non-governmental organisations (NGOs) are also worried about the effect of the move on their marketing efforts, according to Jaime Gill, a local communications consultant.

"Small NGOs have been able to compete by telling really powerful stories about their results," he said. "This experiment has banished those posts to a new feed which I suspect few will use."

### 'Fake news rampant'

On the streets of Phnom Penh, no one approached by reporters had noticed the change. Sugarcane juice vendor Phorn Phel said he used Facebook to check in on developments across the country and would continue to do so by searching for his usual news sites, which he preferred over state-aligned media.

"We don't want to watch local TV much because there's nothing interesting," he said. "That's why I need to find something on social media instead."

Shop owner Sron Chathou said she spent nearly of all her free time on Facebook but hadn't noticed the experiment. She liked the immediacy of the platform, where her favourite pages would broadcast news like traffic accidents or flooding as they happened.

"We can bring our phone everywhere in our pocket," she said. "No need to wait and see it on TV."

Political analyst Ou Virak said Cambodians' trust in Facebook was misplaced given the rampant amount of fake news and conspiracy theories, often translated from English sources.

"They don't distinguish the source or credibility of information," he said, estimating that seven out of 10 stories that he encountered on his News Feed were false or exaggerated.

Facebook's test, then, was less important than building media literacy.

"I don't see many Cambodians getting real or credible news anyway," he said.

*Ben Paviour is a freelance journalist based in Phnom Penh. Additional reporting by Ben Sokhean.*

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